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# federal register

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**WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### ALBUQUERQUE, NM

**WHEN:** December 8, at 9:00 am
**WHERE:** University of New Mexico
Continuing Education Bldg., Room I
1634 University Blvd., NE
Albuquerque, NM
**RESERVATIONS:** Julie Stone
505-768-3532

### WASHINGTON, DC

**WHEN:** November 30, at 9:00 am
**WHERE:** Office of the Federal Register
Seventh Floor Conference Room
800 North Capitol Street, NW, Washington, DC
**RESERVATIONS:** 202-523-4534

# Contents

Federal Register

Vol. 57, No. 211

Friday, October 30, 1992

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Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

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## CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

# Rules and Regulations

Federal Register
Vol. 57, No. 211
Friday, October 30, 1992



## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 1030

[DA-92-30]

### Milk in the Chicago Regional Marketing Area; Suspension of Certain Provisions of the Order

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Suspension of rules.

**SUMMARY:** This action suspends certain provisions of the Chicago Regional Federal milk marketing order for the months of October 1992 through January 1993. The action suspends the shipping standard that applies to each plant in a unit of pool supply plants. Currently, each plant in a unit of pool supply plants. Currently, each plant in a unit of supply plants must ship at least three percent of its receipts of milk or 47,000 pounds, whichever is less, to plants that distribute fluid milk products. The suspension was requested by Central Milk Producers Cooperative, (CMPC), a federation of cooperatives that represents producers who supply milk for the market. This action is necessary to prevent uneconomical and inefficient movements of milk.

**EFFECTIVE DATES:** October 1, 1992, through January 31, 1993.

**FOR FURTHER INFORMATION CONTACT:** John F. Borovies, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 690-1366.

**SUPPLEMENTARY INFORMATION:** Prior document in this proceeding:

Notice of proposed suspension: Issued October 1, 1992; published October 6, 1992 (57 FR 45995).

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This final rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This action has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have a retroactive effect. This action will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and of the order regulating the handling of milk in the Chicago Regional marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on October 6, 1992 (57 FR 45995) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. No comments opposing this action were received.

After consideration of all relevant material, including the proposal in the notice and other available information, it is hereby found and determined that for the months of October 1, 1992, through January 31, 1993, the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1030.7, paragraph (b)(6)(v).

**Statement of Consideration**

This action suspends certain provisions of the order during the months of October 1992 through January 1993. The suspension eliminates the shipping standard that applies to each plant in a unit of pool supply plants during each of these months.

The order defines a unit of supply plants as two or more plants, which are located in the marketing area, from which Grade A milk is shipped to a qualified plant. The order provides that for pooling purposes a unit of supply plants must ship a specified percentage of total receipts to other plants and that each plant within a unit must ship at least three percent of the plants receipts of milk or 47,000 pounds, whichever is less, to plants that distribute fluid milk products during each of the months of August through January. This action suspends the shipping standard during the months of October 1992 through January 1993.

The action was requested by Central Milk Producers Cooperative (CMPC), a federation of cooperative associations that represent a substantial number of producers who supply the market. Eau Galle Cheese Factory, Inc. and Farmers Union Milk Marketing Cooperative filed comments supporting the proposed suspension.

Current supply and demand projections indicate that there are substantial fluid milk supplies from close-in sources available for the fluid market and it appears that this supply will continue. Based on these projections, it is impractical and unnecessary to require qualifying shipments from distant unit plants, while forcing the milk from nearby unit plants to be hauled out for

manufacturing, merely for pooling purposes. This double hauling of milk is putting a financial burden on the handlers who operate pool units. Thus, this action is necessary to prevent uneconomical and inefficient movements of milk.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that such action is necessary to permit the continued pooling of supply plants and the milk of dairy farmers who have historically supplied the market without the need for making costly and inefficient movements of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning the suspension. Two comments in support of this action were received.

Therefore, good cause exists for making this order effective less than 30 days from the date of publication in the **Federal Register.**

**List of Subjects in 7 CFR Part 1030**

Milk marketing orders.

It is therefore ordered, that the following provisions in title 7, part 1030, § 1030.7(b)(6)(v) of the Chicago Regional order, are hereby suspended for the months of October 1, 1992, through January 31, 1993.

## PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

1. The authority citation for 7 CFR part 1030 continues to read as follows:

**Authority:** Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

**§ 1030.7 [Temporarily suspended in Part]**

2. In § 1030.7, paragraph (b)(6)(v) is hereby suspended for the months of October 1, 1992, through January 31, 1993.

Dated: October 26, 1992.

**John E. Frydenlund,**

*Deputy Assistant Secretary, Marketing and Inspection Services.*

[FR Doc. 92–26330 Filed 10–29–92; 8:45 am]

BILLING CODE 3410–02–M

**7 CFR Part 1139**

**[Docket No. AO–309–A31, DA–92–37]**

## Milk in the Great Basin Marketing Area; Order Suspending Certain Provisions

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Suspension of rule.

**SUMMARY:** This action suspends for the period of December 1, 1992, through August 31, 1993, provisions of the Great Basin order limiting the amount of milk that a producer-handler may purchase from pool plants or other order plants without losing its unregulated status. The same provisions were previously suspended for the period of December 1990 through August 1991 based on a public hearing held at Salt Lake City, Utah, on August 27–28, 1990, and again for December 1991 through August 1992. The suspension is needed to facilitate the orderly marketing of milk pending final actions based on the 1990 hearing.

**EFFECTIVE DATE:** December 1, 1992, through August 31, 1993.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Glandt, Marketing Specialist, Order Formulation Branch, USDA/AMS/Dairy Division, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–4829.

**SUPPLEMENTARY INFORMATION:** Prior documents in this proceeding:

Notice of hearing: Issued August 14, 1990; published August 20, 1990 (55 FR 33915).

Order suspending rule: Issued December 17, 1990; published December 26, 1990 (55 FR 52981).

Notice of Proposed Suspension: Issued November 18, 1991; published November 25, 1991 (56 FR 59223).

Suspension of Rule: Issued December 18, 1991; published December 26, 1991 (56 FR 66779).

Recommended Decision: Issued August 24, 1992; published August 28, 1992 (57 FR 39146).

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain producer-handlers and tends to encourage more orderly marketing of milk in the Great Basin marketing area.

The final rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have a retroactive effect. This proposed action will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and of the order regulating the handling of milk in the Great Basin marketing area.

After consideration of all relevant material, including the record of the hearing, the exceptions and comments received in response to the Recommended Decision, and other available information, it is hereby found and determined that the following provisions of the order do not tend to effectuate the declared policy of the Act for the period of December 1, 1992, through August 31, 1993:

In § 1139.10(b)(1)(ii), the words "in an amount that is not in excess of the larger of 5,000 pounds or 5 percent of such person's Class I disposition during the month."

**Statement of Consideration**

This action makes inoperative for the months of December 1992 through August 1993 or until the amendatory formal rulemaking proceeding is concluded, whichever is earlier, the provisions of the Great Basin milk order that limit the amount of milk that a producer-handler may purchase from pool plants and other order plants. Under the current provisions, the amount of milk that a producer-handler may buy monthly from pool plants or from other order plants to supplement its own production is limited to 5,000

pounds or 5 percent of its Class I sales, whichever is greater.

This provision was previously suspended for the months of December 1990 through August 1991, and again for the months of December 1991 through August 1992. The suspension was requested by Brown Dairy, Inc., a producer-handler located in Coalville, Utah, pending completion of action on several proposed amendments to the Great Basin order that were considered at the hearing held August 27–28, 1990 at Salt Lake City, Utah.

On August 24, 1992, the Acting Administrator issued a Recommended Decision that adopted an amendment proposed by Brown Dairy. The amendment would remove the limit on supplemental Class I milk purchases from pool plants during December through August for a producer-handler who did not exceed the purchase limit during the prior September-November period. Comments and exceptions were filed by several parties in response to the Recommended Decision. The only comment received in response to the producer-handler issue was filed by Western Dairymen Cooperative, Inc. (WDCI). Briefly stated, WDCI supported the concept, but felt that the proposed provisions were too liberal.

The basis for producer-handler exemption from full regulation is that producer-handlers are usually small-volume operations that tend to be self-sufficient in maintaining the burden of their own reserve milk supplies. The order's limit on supplemental purchases is intended to prevent producer-handlers from shifting the burden of maintaining a reserve milk supply to pool producers, particularly the seasonal reserves that result from the seasonal variation in milk production. Otherwise, a producer-handler could shift this burden to pool producers by maintaining sales accounts equal to its production in peak-production months and then buying supplemental milk from pool sources during the low-production months (September through November).

By keeping the supplemental purchase limit in effect for the seasonally low-production months of September through November, the pool producers would tend to be protected from carrying the seasonal reserve supply burden of producer-handlers. In addition, if the limit were applied only during such months, it would provide an incentive for producer-handlers to change their breeding program to effect peak production during the market's low-production months and obtain supplemental supplies during the period of higher production in the market. This would tend to lessen the burden of wide seasonal swing in the volume of total reserve supplies in the market and thereby contribute to marketing efficiencies. In addition, it would tend to discourage excess surplus production by producer-handlers. Also, it would facilitate potential marketing efficiency that may be gained by enabling producer-handlers to service nearby ski resort and summer camp accounts.

It is not likely that the necessary amendatory action procedures will be completed by December 1, 1992. It therefore is concluded that the limit should be suspended for the months of December 1992 through August 1993, or until such time as the amendatory rulemaking noticed at 55 FR 33915–33918 (August 20, 1990) is completed if that date is earlier.

It is hereby found and determined that notice of a proposed suspension, public procedure thereon, and thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that unnecessary production of surplus milk by producer-handlers is being encouraged by the limit on purchases of pool milk by producer-handlers and the limit is unduly disrupting the marketing of milk to seasonal recreational sales accounts in the marketing area;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) The marketing problems that provide the basis for the suspension were fully reviewed at a public hearing and all interested parties had the opportunity of being heard on this matter and to file exceptions to the Recommended Decision.

Therefore, good cause exists for making this order effective December 1, 1992.

**List of Subjects in 7 CFR Part 1139**

Milk Marketing Orders.

It is therefore ordered, That the following provisions in title 7, part 1139, § 1139.10 of the Great Basin order are hereby suspended for the period of December 1, 1992, through August 31, 1993, or until such time as the amendatory rulemaking noticed at 55 FR 33915–33918 (August 20, 1990) is completed, if that date is earlier.

## PART 1139—MILK IN THE GREAT BASIN MARKETING AREA

1. The authority citation for 7 CFR part 1139 continues to read as follows:

**Authority:** Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

**§ 1139.10 [Temporarily Suspended in Part]**

2. In § 1139.10(b)(1)(ii), the words "in an amount that is not in excess of the larger of 5,000 pounds or 5 percent of such person's Class I disposition during the month" are suspended for the period of December 1, 1992, through August 31, 1993.

Dated: October 26, 1992.

**John E. Frydenlund,**

*Deputy Assistant Secretary, Marketing and Inspection Services.*

[FR Doc. 92-26328 Filed 10-29-92; 8:45 am]

BILLING CODE 3410-02-M

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**7 CFR Part 1230**

**[No. LS-92-001]**

## Pork Promotion and Research

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** Pursuant to the Pork Promotion, Research, and Consumer Information Act of 1985 and the Order issued thereunder, this final rule decreases the amount of the assessment per pound due on imported pork and pork products to reflect a decrease in the 1991 seven market average price for domestic barrows and gilts and to bring the equivalent market value of the live animals from which such imported pork and pork products were derived in line with the market values of domestic porcine animals.

**EFFECTIVE DATE:** November 30, 1992.

**ADDRESSES:** Ralph L. Tapp, Chief; Marketing Programs Branch; Livestock and Seed Division; Agricultural Marketing Service; USDA, room 2624–S; P.O. Box 96456; Washington, DC 20090–6456.

**FOR FURTHER INFORMATION CONTACT:** Ralph L. Tapp, Chief, Marketing Programs Branch, 202/720–1115.

**SUPPLEMENTARY INFORMATION:** This final rule was reviewed in accordance with Executive Order No. 12291 and Departmental Regulation 1512–1 and is hereby classified as a nonmajor rule because it does not meet the criteria contained therein for a major rule.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. The Act states that the statute is intended to occupy the field of promotion and consumer education involving pork and pork products and of obtaining funds

thereof from pork producers and that the regulation of such activity (other than a regulation or requirement relating to a matter of public health or the provision of state or local funds for such activity) that is in addition to or different from the Act may not be imposed by a State.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 1625 of the Act, a person subject to an order may file a petition with the Secretary stating that such order, a provision of such order or an obligation imposed in connection with such order is not in accordance with law; and requesting a modification of the order or an exemption from the order. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in the district in which person resides or does business has jurisdiction to review the Secretary's determination, if a complaint is filed not later than 20 days after the date such person receives notice of such determination.

This action also was reviewed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.). The effect of the Order upon small entities was discussed in the September 5, 1986, issue of the **Federal Register** (51 FR 31898), and it was determined that the Order would not have a significant effect upon a substantial number of small entities. Many importers may be classified as small entities. This final rule decreases the amount of assessments on imported pork and pork products subject to assessment by three- to four-hundredths of a cent per pound, or as expressed in cents per kilogram, seven- to nine-hundredths of a cent per kilogram. Adjusting the assessments on imported pork and pork products will result in an estimated decrease in assessments of $170,000 over a 12-month period. Accordingly, the Administrator of the Agricultural Marketing Service (AMS) has determined that this action will not have a significant economic impact on a substantial number of small entities.

The Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4801–4819) approved December 23, 1985, authorized the establishment of a national pork promotion, research, and consumer information program. The program was funded by an initial assessment rate of 0.25 percent of the market value of all porcine animals marketed in the United States and an equivalent amount of assessment on imported porcine animals, pork, and pork products. However, that rate was increased to 0.35 percent effective December 1, 1991 (56 FR 51635). The final Order establishing a pork promotion, research, and consumer information program was published in the September 5, 1986, issue of the **Federal Register** (51 FR 31898; as corrected, at 51 FR 36383 and amended at 53 FR 1909, 53 FR 30243, and 56 FR 51635) and assessments began on November 1, 1986.

The Order requires importers of porcine animals to pay the U.S. Customs Service (USCS), upon importation, the assessment of 0.35 percent of the animal's declared value and importers of pork and pork products to pay to the USCS, upon importation, the assessment of 0.35 percent of the market value of the live porcine animals from which such pork and pork products were produced. This final rule decreases the assessments on all of the imported pork and pork products subject to assessment listed in 7 CFR section 1230.110 (October 15, 1991; 56 FR 51635). This decrease is consistent with the decrease in the annual average price of domestic barrows and gilts at the seven markets for calendar year 1991 as reported by the USDA, AMS, Livestock and Grain Market News (LGNM) Branch. This decrease in assessments will make the equivalent market value of the live porcine animals from which the imported pork and pork products were derived reflect the recent decrease in the market value of domestic porcine animals, thereby promoting comparability between importer and domestic assessments. This final rule will not change the current assessment rate of 0.35 percent of the market value.

The methodology for determining the per-pound amounts for imported pork and pork products was described in the supplementary information accompanying the Order and published in the September 5, 1986, **Federal Register** at 51 FR 31901. The weight of imported pork and pork products is converted to a carcass weight equivalent by utilizing conversion factors which are published in the USDA Statistical Bulletin No. 616 "Conversion Factors and Weights and Measures." These conversion factors take into account the removal of bone, weight lost in cooking or other processing, and the nonpork components of pork products. Secondly, the carcass weight equivalent is converted to a live animal equivalent weight by dividing the carcass weight equivalent by 70 percent, which is the average dressing percentage of porcine animals in the United States. Thirdly, the equivalent value of the live porcine animal is determined by multiplying the live animal equivalent weight by an annual average seven market price for barrows and gilts as reported by the USDA, AMS, LGMN Branch. This average price is published on a yearly basis during the month of January in the LGMN Branch's publication "Livestock, Meat, and Wool Weekly Summary and Statistics." Finally, the equivalent value is multiplied by the applicable assessment rate of 0.35 percent due on imported pork and pork products. The end result is expressed in an amount per pound for each type of pork or pork product. To determine the amount per kilogram for pork and pork products subject to assessment under the Act and Order, the cent-per-pound assessments are multiplied by a metric conversion factor 2.2046 and carried to the sixth decimal.

The formula in the preamble for the Order at 51 FR 31901 contemplated that it would be necessary to recalculate the equivalent live animal value of imported pork and pork products to reflect changes in the annual average price of domestic barrows and gilts to maintain equity of assessments between domestic porcine animals and imported pork and pork products.

The average annual seven market price decreased from $54.55 in 1990 to $48.46 in 1991, a decrease of about 11 percent. This decrease will result in a corresponding decrease in assessments for all the Harmonized Tariff Systems (HTS) numbers listed in the table in § 1230.110 of an amount equal to three- to four-hundredths of a cent per pound, or as expressed in cents per kilogram, seven- to nine-hundredths of a cent per kilogram. Based on the most recent available Department of Commerce, Bureau of Census, data on the volume of imported pork and pork products the decrease in assessment amounts will result in an estimated $170,000 decrease in assessments over a 12-month period.

On June 23, 1992, AMS published in the **Federal Register** (57 FR 27949) a proposed rule which would decrease the per pound assessment on imported pork and pork products consistent with decreases in the 1991 average prices of domestic barrows and gilts to provide comparability between importer and domestic assessments. The proposal was published with a request for comments by July 23, 1992. No comments were received. Accordingly, this final rule establishes the per pound and per kilogram assessments on imported pork and pork products as proposed.

**List of Subjects in 7 CFR Part 1230**

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreement, Meat and meat products, Pork and pork products.

For the reasons set forth in the preamble, 7 CFR part 1230 is amended as set forth below:

## PART 1230—PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION

1. The authority citation for 7 CFR part 1230 continues to read as follows:

Authority: 7 U.S.C. 4801–4819.

**Subpart B—[Amended]**

2. Subpart B—Rules and Regulations is amended by revising § 1230.110 to read as follows:

**§ 1230.110 Assessments on Imported Pork and Pork Products.**

The following HTS categories of imported live porcine animals are subject to assessment at the rate specified.

| Live porcine animals | Assessment |
|---|---|
| 0103.10.00004 | 0.35 percent customs entered value. |
| 0103.91.00006 | 0.35 percent customs entered value. |
| 0103.92.00005 | 0.35 percent customs entered value. |

The following HTS categories of imported pork and pork products are subject to assessment at the rates specified.

| Pork and pork products | Assessment | |
|---|---|---|
| | Cents/lb | Cents/kg |
| 0203.11.00002 | .24 | .529104 |
| 0203.12.10107 | .24 | .529104 |
| 0203.12.10205 | .24 | .529104 |
| 0203.12.90100 | .24 | .529104 |
| 0203.12.90208 | .24 | .529104 |
| 0203.19.20108 | .28 | .617288 |
| 0203.19.20901 | .28 | .617288 |
| 0203.19.40104 | .24 | .529104 |
| 0203.19.40907 | .24 | .529104 |
| 0203.21.00000 | .24 | .529104 |
| 0203.22.10007 | .24 | .529104 |
| 0203.22.90000 | .24 | .529104 |
| 0203.29.20008 | .28 | .617288 |
| 0203.29.40004 | .24 | .529104 |
| 0206.30.00006 | .24 | .529104 |
| 0206.41.00003 | .24 | .529104 |
| 0206.49.00005 | .24 | .529104 |
| 0210.11.00101 | .24 | .529104 |
| 0210.11.00209 | .24 | .529104 |
| 0210.12.00208 | .24 | .529104 |
| 0210.12.00404 | .24 | .529104 |
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| 1602.42.20202 | .37 | .815702 |
| 1602.42.20408 | .37 | .815702 |
| 1602.42.40002 | .24 | .529104 |
| 1602.49.20009 | .34 | .749564 |
| 1602.49.40005 | .28 | .617288 |

Dated: October 27, 1992

Daniel Haley,

*Administrator.*

FR Doc. 92–26390 Filed 10–29–92; 8:45 am]

BILLING CODE 3410–02–M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

### 30 CFR Part 938

### Pennsylvania Abandoned Mine Lands Reclamation Plan

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Final rule.

**SUMMARY:** OSM is announcing the approval of a proposed amendment to the Pennsylvania Abandoned Mine Land Reclamation Program (hereinafter referred to as the PA-Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment pertains to new PA-Plan program initiatives made in response to the changes to SMCRA by the Abandoned Mine Reclamation Act of 1990 (Public Law 101–508). The amendment also updates existing Pennsylvania Plan information that has changed since initial program approval.

**EFFECTIVE DATE:** October 30, 1992.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert J. Biggi, Director, Harrisburg Field Office, Office of Surface Mining Reclamation and Enforcement, Harrisburg Transportation Center, Third Floor, suite 3C, 4th and Market Streets, Harrisburg, PA 17101, Telephone: (717) 782–4036.

**SUPPLEMENTARY INFORMATION:**



### I. Background on the Pennsylvania Program

On July 31, 1982, the Pennsylvania Plan was made effective by the approval of the Secretary of the Interior. Information on the general background of the Pennsylvania Plan, including the Secretary's findings, the disposition of comments, and an explanation of the conditions of the approval of the Pennsylvania Program can be found in the July 30 1982, **Federal Register** (47 FR 33079).

### II. Submission of Amendment

By letter dated April 17, 1992 (Administrative Record No. PA–806.00), the Pennsylvania Department of Environmental Resources (PADER) submitted to OSM a proposed amendment to revise the PA-Plan on its own initiative. The amendment would change the PA-Plan to allow for program initiatives made available under the Abandoned Mine Reclamation Act of 1990. In addition, the amendment proposes to update policies, procedures, and information contained in the PA-Plan as originally approved.

The amendment consists of parts D and E to be added to the original plan made up of parts A, B, and C. Part D provides information for the new program initiatives and updates the information, policies, and procedures that affect part B of the original Plan. Part E contains a detailed discussion of the program modifications to implement the new initiatives under the Abandoned Mine Reclamation Act of 1990 and information required by 30 CFR 884.14 to demonstrate that the State has the authority, policies, and administrative structure to carry out the new initiatives of the PA-Plan and its abandoned mine land reclamation (AMLR) program in general.

On July 31, 1992, in response to an issue letter prepared by OSM on July 28, 1992, Pennsylvania submitted additional minor revisions to the program amendment (Administrative Record No. PA–806.10). The revisions consisted of primarily word and reference changes to clarify the proposed language of parts D and E of the amendment.

OSM announced receipt of the proposed amendment in the May 29, 1992, **Federal Register** (57 FR 22673) and in the same notice opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period ended on June 29, 1992. The public hearing scheduled for June 23, 1992, was not held

because no one requested an opportunity to testify.

## III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR part 884, are the Director's findings concerning the proposed amendment to the PA-Plan. Nothing in this amendment affects the State's authorization to conduct the PA-Plan as originally approved on July 31, 1982 (47 FR 33079). Only those revisions to the original plan approved by OSM that substantively amend the PA-Plan will be discussed in this final rule. Minor revisions not specifically discussed are found to be no less stringent than SMCRA and no less effective than the Federal regulations. Revisions which are not discussed below contain language similar to the corresponding Federal rules, concern non-substantive wording changes, or revise cross-references and paragraph notation to reflect organizational changes resulting from this amendment.

*1. New Initiatives Response to Abandoned Mine Reclamation Act of 1990*

Abandoned Mine Land (AML) Site Eligibility Criteria

Pennsylvania is revising the PA-Plan by adding:

Part D.I.B.(1) and part E.II. to include the new eligibility criteria for sites where the coal mining occurred during the period beginning on August 4, 1977, and ending on or before the date the Secretary approved the State program (July 31, 1982), and where any funds available for reclamation are not sufficient to provide for adequate reclamation or abatement at the site; and

Part D.I.B.(2) and part E.III. to include the new eligibility criteria for abandoned sites where the coal mining occurred during the period August 4, 1977, and ending on or before November 5, 1990, where the surety of such mining operator became insolvent during such period, and where funds immediately available from proceedings relating to such insolvency, or from any financial guarantee or other source are not sufficient to provide for adequate reclamation at the site.

Pennsylvania is also adding a provision to part D.I.B. that applies to both eligibility criteria that requires the State to follow the priorities established in paragraphs (1) and (2) of section 403(a) of SMCRA and to give priority to those sites which are in the immediate vicinity of a residential area or have an adverse economic impact on a community.

Since each of these provisions is substantively identical to SMCRA section 402(g)(4)(B) (i) and (ii) and (C), the Director finds that they are no less stringent than these counterpart Federal statutes.

b. Acid Mine Drainage Abatement and Treatment Fund

Pennsylvania is revising its Plan in parts D.I.C. and II.F. and part E.IV. to enable the State to receive and retain up to 10 percent of its total grant awarded under paragraphs (1) and (5) of section 402(g) of SMCRA to be deposited in an Acid Mine Drainage Abatement and Treatment Fund (AMD Fund). Pennsylvania is also adding provisions to part E.IV. which discuss in detail the procedures for the development and implementation of the AMD abatement and treatment plans to provide for the abatement of the causes and treatment of the effects of acid mine drainage. The Director finds the State's revisions to its Plan to be substantively identical to and therefore no less stringent than the counterpart provisions in section 402(g)(6) and (7) of SMCRA as amended in 1990.

c. Water Supply Replacement Projects

Pennsylvania is revising the PA-Plan by adding parts D.I.D. and part E.V. to enable the State to spend up to 30 percent of the funds allocated under paragraphs (1) and (5) of SMCRA section 402(g), to protect, repair, replace, construct, or enhance facilities related to water supply adversely affected by coal mining practices. In addition, the revisions clarify that the criteria allow for funding where a predominance of the adverse effects was caused by coal mining that occurred prior to August 3, 1977. The Director finds that the revisions are substantively identical to and therefore no less stringent than the requirements of SMCRA at section 430(b)(1) and (2) as amended in 1990.

*2. Administration and Management*

Pennsylvania is adding part D.II.C. of its Plan to reflect changes in the organizational structure of the PADER. The new organization structure is contained in Exhibit 5 of the revised Plan. The Federal regulations at 30 CFR 884.13(d)(1) require that the State provide a description of the administrative and management structure, including the organization of the designated agency conducting the reclamation activity. The Director finds the State's organizational changes to be consistent with the provisions of the cited Federal regulation.

*3. Policies and Procedures*

a. Pennsylvania is revising its Plan in part D.III.C. to delete reference to those State Executive Orders and Directives that have been revoked or have expired. In conjunction with these changes, the PA-Plan is also being revised to include a narrative concerning coordination with the Bureau of Forestry for the gathering of information on endangered and threatened species within the State and coordination with the State Historical Preservation Office for conducting archaeological and historical studies. In addition, reference is made to the Memorandum of Understanding (MOU) between the PADER and applicable County Conservation Districts that outline the method of cooperation pertaining to activities under the PA-Plan.

The Federal regulations at 884.14(d)(1) require the State to provide a description of the relationship of the designated agency conducting reclamation activities with other State organizations or officials that will participate or augment the agency's reclamation activities.

The Director finds the State's proposed changes to be consistent with the provisions of the cited Federal regulations.

b. Pennsylvania is revising part D.III.E. of its Plan to incorporate revisions to the criteria used to determine whether to file a lien for increases in property value resulting from an AML project. The Federal regulations at 30 CFR 882.13(a) provide the State with the discretionary authority to place or waive a lien against land reclaimed if the reclamation results in a significant increase in the fair market value. OSM reviewed and approved the modifications on June 11, 1986 (Administrative Record No. PA–806.13), and again on October 24, 1989 (Administrative Record No. PA–806.12). Based upon these approval, the Director finds that the revisions to part D.III.E. are consistent with the Federal counterpart regulations at 30 CFR 882.13.

*4. Contents of Pennsylvania Reclamation Plan*

Part E.I. of Pennsylvania's Plan contains discussions that provide references to the following information pertaining to the PA-Plan in general:

a. A designation by the Governor of the agency authorized to administer the reclamation program;

b. A legal opinion from the State Attorney General that the designated

agency has the authority under State law to conduct the program;

c. A description of the policies and procedures to be followed by the designated agency in conducting the reclamation program;

d. A description of the administrative and management structure to be used in conducting the reclamation program; and

e. A general description of the reclamation activities to be in conducted under the State reclamation plan.

Pennsylvania submitted these discussions to satisfy each of the requirements of 30 CFR 884.14 and 884.13. Since the information does satisfy the requirements of 30 CFR 884.13 and 884.14, the Director finds part E.I. to be consistent with these Federal regulations.

**III. Summary and Disposition of Comments**

*Public Comments*

OSM solicited public comments and provided an opportunity for a public hearing on the proposed amendment. No public comments were received as of June 29, 1992, the close of the public comment period. Since no one requested an opportunity to testify at a public hearing, the scheduled hearing was not held.

*Agency Comments*

In accordance with 30 CFR 884.14(a)(2), OSM solicited the views of other Federal agencies having an interest in the amendment. The U.S. Department of the Interior, Bureau of Mines and the U.S. Department of Agriculture, Soil Conservation Service responded without providing comments. The U.S. Department of Labor, Mine Safety and Health Administration, commented that the language and complexity was sufficiently discussed in the exhibits and that the exhibits provide adequate justification for the document format. The U.S. Department of the Interior, Fish and Wildlife Service, Environmental Protection Agency, and the U.S. Department of the Army Corps of Engineers did not respond to requests for comments.

**IV. Director's Decision**

Based on the above findings, the Director is approving the program amendment to the PA-Plan submitted by Pennsylvania on April 17, 1992.

The Federal rules at 30 CFR part 938 codifying decisions concerning the Pennsylvania program are being amended to implement this decision. This amendment to the Federal rules is being made effective immediately to expedite the State amendment process and to encourage states to bring their programs in conformity with the Federal standards without delay. Consistency of State and Federal standards is required by SMCRA.

*EPA Concurrence*

Under 30 CFR 732.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of the Environmental Protection Agency (EPA) with respect to any provisions of a state program amendment which relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). The Director has determined that this amendment contains no such provisions and that EPA concurrence is therefore unnecessary.

**V. Procedural Determinations**

*Executive Order 12291*

On March 30, 1992, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions related to approval or disapproval of State AMLR plans and revisions thereof. Therefore, preparation of a regulatory impact analysis is not necessary and OMB regulatory review is not required.

*Executive Order 12778*

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State AMLR plans and revisions thereof since each such plan is drafted and adopted by a specific State, not by OSM. Decisions on proposed State AMLR plans and revisions thereof submitted by a State are based on a determination of whether the submittal meets the requirements of title IV of SMCRA (30 U.S.C. 1231–1243) and the Federal regulations at 30 CFR part 884.

*National Environmental Policy Act*

No environmental impact statement is required for this rule since agency decisions on proposed State AMLR plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM, appendix 8, paragraph 8.4B(29)).

*Paperwork Reduction Act*

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3507 *et seq.*

*Regulatory Flexibility Act*

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Hence, this rule will ensure that existing requirements established by SMCRA or previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

**List of Subjects in 30 CFR Part 938**

Abandoned Mine Land Plans, Coal Mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: September 15, 1992.

**Jeffrey D. Jarrett,**

*Acting Assistant Director, Eastern Support Center.*

## PART 938—PENNSYLVANIA—[AMENDED]

1. The authority citation for part 938 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*: and Public Law 100–34.

2. Section 938.20 is revised to read as follows:

**§ 938.20 Approval of the Pennsylvania Abandoned Mine Land Reclamation Plan.**

The Pennsylvania Abandoned Mine Land Reclamation Plan as submitted on November 3, 1980, is approved. Copies of the approved Plan are available at the following locations:

Department of Environmental Resources, Office of Resources Management, Third and Reilly Street, Evangelical Press Building, 2nd Floor, Harrisburg, PA 17120

Office of Surface Mining Reclamation and Enforcement, Harrisburg Transportation Center, Third Floor, suite

3C, 4th and Market Streets, Harrisburg, PA 17101

3. Section 938.25 is added to read as follows:

**§ 938.25 Approval of Pennsylvania Abandoned Mine Reclamation Plan (AMLR) amendments.**

(a) The Pennsylvania AMLR Plan amendment submitted April 17, 1992, is approved effective October 30, 1992.

[FR Doc. 92-26280 Filed 10-29-92; 8:45 am]

BILLING CODE 4310-05-M

## POSTAL SERVICE

### 39 CFR Part 111

### Coding Accuracy Support System (CASS) Certification of Address Matching Software/Hardware for Automation-Based Rates

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the requirements for Coding Accuracy Support System (CASS) certification of address matching software used to prepare automation-rate mailings to require that address matching software products be capable of generating accurate delivery point barcode (DPBC) information.

As explained in the proposed rule, the purpose of this change was to eliminate costly and redundant Postal certification processes and ensure that the necessary CASS certified address matching software is in place for mailers to make a smooth transition from ZIP + 4 barcoding to delivery point barcoding by the March 21, 1993, effective date that has been proposed by the Postal Service.

**EFFECTIVE DATE:** October 30, 1992.

**FOR FURTHER INFORMATION CONTACT:** George T. Hurst, (202) 268-5232.

**SUPPLEMENTARY INFORMATION:** On July 21, 1992, the Postal Service published in the Federal Register a proposed rule to eliminate CASS certification of ZIP + 4 address matching software and replace it with delivery point coding certification, as well as to offer CASS certification of 2-digit delivery point add-on matching software, 57 FR 32188. The deadline for submitting comments on the proposed rule was August 17, 1992. All comments received or mailed by that date have been considered. The Postal Service received a total of 2 comments from 1 commenter representing a corporation. On the basis of the comments received and further consideration of the proposals by the Postal Service, the Postal Service has decided to adopt the regulations as proposed.

*Evaluation of Comments Received*

One comment objected to the proposed requirement that 2-digit delivery point coding (DPC) utilities (address matching software capable of generating only the DPC information) be used only on addresses that have been previously standardized with CASS certified address matching software. The commenter noted that the Postal Service's ZIP+4 file cannot validate the accuracy of a specific "house number" in that it contains ZIP+4 code information pertaining to ranges of address records and therefore it is not useful as a standardization mechanism prior to using a 2-digit DPC utility. The commenter further stated that the mere presence of a ZIP + 4 code on a database record, obtained from a CASS certified process, is evidence enough that the record can be, and in fact is standardized, and that the house number (or primary street number) has been validated for accuracy to the extent possible using the Postal Service's current ZIP + 4 file. The commenter concluded that there is no increased assurance of address accuracy through standardization, and therefore the proposed requirement that mailers' addresses be replaced with the Postal Service's standardized version for purposes of delivery point barcoding with 2-digit utilities should not be adopted.

The Postal Service has determined that address quality can be substantially enhanced when using the standardized address information available on the Postal Service's ZIP+4 files. A large portion of addresses contained on this database have unique ZIP+4 codes which allow the user to validate the accuracy of specific primary street records during a CASS certified address matching process. In addition, address matching software used properly in conjunction with the current ZIP+4 file can enhance file format by placing secondary, numerical address information in proper file sequence. For many addresses, proper sequencing of numerical information is essential prior to processing with a 2-digit DPC utility to develop correct delivery point information. A 2-digit DPC utility must detect the appropriate set of numbers (or characters) from which it must develop the correct delivery point code information on a given address. The actual placement and/or format of numerical information in an address record may, in some instances, be the only means by which a 2-digit utility can distinguish the correct information to use in generating the delivery point code information.

For instance, address records having an apartment number preceding the street number may be correctly ZIP+4 coded using current CASS certified address matching software (this type of software performs a standardization routine prior to address matching to the USPS ZIP + 4 file). Under existing requirements, however, correctly sequenced, standardized addresses generated from this CASS certified address matching process do not have to be rewritten back to address lists. The original, missequenced, nonstandardized addresses can be used for mailings at ZIP+4 barcoded rates as long as they have been correctly ZIP + 4 coded using a CASS certified process.

However, 2-digit utility software is not required to perform address standardization before identifying the primary street number. Accordingly, such addresses would likely be incorrectly delivery point coded using a 2-digit utility because the first set of numbers appearing in the delivery address line would not represent the primary street number from which the delivery point code information is derived. The same is true of address records having a suite number improperly placed directly after the street number, separated by only a hyphen. The only effective means of assuring that 2-digit DPC utilities develop delivery point code information from the appropriate address characters is to use them exclusively on addresses that have been previously standardized and ZIP+4 coded via CASS certified address matching software.

For these reasons, the Postal Service adopts the requirement that 2-digit DPC utility software be used only with addresses that have been previously standardized via a CASS certified address matching process to ensure the accuracy of the information the software must identify to develop a correct DPC.

The second comment concerned the 100% accuracy performance level proposed for 2-digit DPC utilities to obtain CASS certification. The commenter objected to the establishment of a performance level higher than the current CASS certification level mandated for ZIP+4 coding software (which is 96%). The commenter stated that nothing performs at 100% all of the time, that there seems to be no reason for such a performance level, and that the possible derivations and address anomalies will create ambiguous interpretations which will ensure 100% test performance will never be achieved.

The Postal Service has determined that requiring 100% accuracy for CASS certification of 2-digit DPC utilities is a reasonable performance level to establish for this type of software product. A 2-digit DPC utility will only be required to develop the appropriate 2-digit "add-on" (plus a check digit) to properly formatted addresses provided by the Postal Service for the CASS test. The test that will be used for evaluating, scoring, and certifying 2-digit DPC utility software will contain sample addresses from across the country that have already been properly standardized and ZIP+4 coded. The only information that will need to be appended to these address records via the 2-digit DPC utility is the delivery point code information. Properly functioning 2-digit DPC utility software will be able to perform this function, with the addresses provided by the Postal Service, without error.

Although the Postal Service has established fourteen DPBC derivations and address anomaly rules for proper delivery point code generation, the Postal Service has determined that these rules should not cause ambiguous interpretations resulting in coding errors. The rules for deriving the correct DPBC from the thirteen most frequently used types of addresses, including unusual or anomalous address formats, are clearly defined in Exhibit 551.121 of the Domestic Mail Manual. The Postal Service realized that there would be various address anomalies which would not fall within these rules, and therefore established the fourteenth rule which provides a simple guideline for delivery point coding any other type of address anomaly with characters representing "99."

Because the rules for deriving appropriate delivery point coding information are clearly defined, do not lead to ambiguous interpretations, and cover all possible address formats and anomalies, the Postal Service hereby adopts the requirement that 2-digit DPC utilities must perform at 100% accuracy (processing the USPS test deck of sample addresses) in order to be CASS certified.

In view of the above considerations, the Postal Service adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations (see 39 CFR 111.1).

**List of Subjects in 39 CFR Part 111**

Postal Service.

## PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

2. In chapters 3 and 5 of the Domestic Mail Manual, make the following revisions:

### CHAPTER 3—FIRST CLASS MAIL

* * * * *

366.15 Addressing. Except as provided by 531.16, 534.3, and 541.22, each piece in the mailing that bears a ZIP+4 code must also bear a complete address (see 122.92) and, unless the piece bears a ZIP+4 or delivery point barcode prepared under 550, the address must appear in a standardized format (see 122.92). Addresses must be prepared using Coding Accuracy Support System [CASS] certified ZIP+4 or delivery point code address matching software as specified in 531 and 532.

### CHAPTER 5—AUTOMATION-COMPATIBLE MAIL

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## PART 530—ADDRESS AND ZIP+4 CODE ACCURACY

531 CODING ACCURACY SUPPORT SYSTEM (CASS) CERTIFICATION

* * * * *

531.111 Definition. [Change the first sentence as follows:] "The Coding Accuracy Support System (CASS) process is designed to improve the accuracy of delivery point codes, ZIP+4 codes, 5-digit ZIP Codes, and carrier route codes appearing on mailpieces."

* * * * *

531.112 Requirement. [Change the last sentence as follows:] "Mailers using multiline optical character readers (MLOCRs) to place delivery point or ZIP+4 barcodes on mailpieces must also obtain CASS certification for the address matching software used on their MLOCR equipment."

531.113 Delivery Point Barcoding Option. [Replace the first 4 sentences with the following:] "The use of a delivery point barcode instead of a ZIP+4 barcode on mailpieces to obtain barcoded rates is optional."

531.12 Methods to Obtain ZIP+4 Coding

* * * * *

b. CASS certified DPC address matching software.

* * * * *

531.14 Use of Current Information. [Change the first sentence as follows:] "When used for ZIP+4 coding or ZIP+4 barcoding, the address matching software and methods described in 531.11 through 531.13 must have a valid CASS certification and must use the current Postal Service ZIP+4 file updated to include all applicable change transaction files."

* * * * *

[Eliminate current 531.15, and renumber 531.16, 531.161, and 531.162 as 531.15, 531.151, and 531.152 respectively.]

* * * * *

**531.2 Address Lists**

[After 531.22 add the following:] "Note: CASS certification of ZIP+4 address matching software is no longer provided, effective with the Fall 1992 certification cycle. ZIP+4 codes may be obtained from CASS certified DPC address matching software. In addition, address lists coded with ZIP+4 code address matching software CASS certified before such certification was discontinued, may continue to be used within the time constraints allowed under 531.15."

* * * * *

552 REQUIRED DOCUMENTATION

* * * * *

532.22 Summary Output Information

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[Eliminate 532.222 and renumber 532.223 and 532.224 as 532.222 and 532.223. In what becomes 532.222 eliminate *b*(7) and *c*. In what becomes 532.223 change *a*. and *b*. as follows:]

*a*. The number of addresses successfully coded with correct 5-digit ZIP Codes.

*b*. The number of addresses successfully coded with correct carrier route codes.

* * * * *

532.32 Mailings Produced From Single Address List

* * * * *

[Eliminate 532.322 and renumber 532.323 and 532.324 accordingly.]

* * * * *

532.33 Mailing Produced From Multiple Address Lists

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[Eliminate 532.332 and renumber 532.333 and 532.334 accordingly.]

* * * * *

533 HOW TO OBTAIN CASS CERTIFICATION

**533.1 General. [Text of existing 533].**

**533.2 CASS Stage I**

The CASS certification process is a two-stage procedure. Stage I is a test file with answers, supplied on request to customers wishing to certify an address matching software product. The Stage I file contains fabricated sample addresses from address ranges across the country with missing or incorrect address element information. The correct answers supplied on this Stage I test file provide a means for self-assessment of address matching software/hardware accuracy so that software/hardware vendors or users can pre-determine their product's readiness for the actual test.

**533.3 CASS Stage II**

The Stage II file is the actual test without answers, used as the measurement device for certification of the accuracy of address matching software/hardware. Similar to the Stage I file, the Stage II file contains fabricated sample addresses from address ranges across the country with missing or incorrect address element information that the address matching software must correct. Software vendors or users process the Stage II file against its address matching products, appending the correct or missing information being tested for in each address record. Upon completion, the Stage II file is then returned to the Postal Service for analysis, scoring, and, if qualified, certification. For multiline optical character readers (MLOCRs) and encoding stations, CASS certification is obtained by barcoding sample mailpieces in a test deck. Upon completion, the test deck is returned to the Postal Service for analysis, scoring and, if qualified, certification.

**533.4 Certification Requirements**

533.41 Delivery Point Code Requirement. To be CASS certified, delivery point code address matching software/hardware must correctly ZIP+4 code the addresses contained in the Stage II file or test deck with 96% accuracy and must correctly append the additional 2-digits of the delivery point code (plus a check digit) to the Stage II file or test deck with 100% accuracy.

533.42 2-Digit Utility Requirement. A 2-digit utility (separate or stand alone address matching software that appends only the correct 2-digit DPC information) must use the standardized address information returned by DPC address matching software when determining the correct delivery point code. A 2-digit utility must assign the 2-digit delivery point code (plus a check digit) to the addresses contained in the Stage II file with 100% accuracy.

533.43 5-Digit ZIP Code and Carrier Route Code Requirement. To be CASS certified, address matching software used to assign 5-digit ZIP Codes and carrier route codes must assign the appropriate codes to the Stage II file with 98% accuracy.

**533.5 Customer Notifications.**

The Postal Service sends written notice to the customer requesting the CASS test, informing the customer of the results of the analysis and the product certification status. The Postal Service publishes a list of certified software/hardware vendors and users biannually, identifying those products that, based on Postal Service evaluation, have performed to the established accuracy standards. Follow-up notification is mailed to alert previously certified address matching software/hardware vendors and users of the next certification cycle.

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534 ACCURATE ADDRESSING

* * * * *

**534.4 Format of Numeric Equivalent of the Delivery Point Barcode**

A numeric equivalent to the delivery point barcode must consist of five numbers, a hyphen, and seven numbers as required by 515.3 and may be printed only on a mailpiece within a barcoded rate mailing.

* * * * *

**550 Requirements for Barcoded Pieces**

551 ZIP+4 BARCODE REQUIREMENTS

* * * * *

551.12 Delivery Point Barcode Format

*551.121 Unique 5-Digit ZIP Code.* [Change the end of the first sentence as follows:] ". . . returned by the CASS certified ZIP+4 or delivery point code address matching process."

* * * * *

*551.122 Firm ZIP+4 Code.* [Change the end of the first sentence as follows:] ". . . returned by the CASS certified ZIP+4 or delivery point code address matching process."

* * * * *

A transmittal letter making these changes in the *Domestic Mail Manual* will be published and will be transmitted to subscribers automatically. Notice of issuance will be published in the **Federal Register** as provided by 39 CFR 111.3.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 92-26323 Filed 10-29-92; 8:45 am]

BILLING CODE 7710-12-M

## ENVIRONMENTAL PROTECTION AGENCY

**40 CFR Part 271**

**[FRL-4528-7]**

## Commonwealth of Kentucky; Final Authorization of State Hazardous Waste Management Program Revisions

**AGENCY:** Environmental Protection Agency.

**ACTION:** Immediate final rule.

**SUMMARY:** Kentucky has applied for final authorization for revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Kentucky's revisions consist of the Toxicity Characteristic provisions of HSWA Cluster II promulgated on March 29, 1990, and the correction promulgated on June 29, 1990. The requirements contained in this revision application are in Supplementary Information, section B of this document. The Environmental Protection Agency (EPA) has reviewed Kentucky's application and has made a decision, subject to public review and comment, that Kentucky's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Kentucky's application for program revisions. Kentucky's application for program revisions is available for public review and comment.

**DATES:** Final Authorization for Kentucky shall be effective November 30, 1992, unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Kentucky's program revision application must be received by the close of business November 30, 1992.

**ADDRESSES:** Copies of Kentucky's program revision application are available during 8 a.m.–4 p.m. at the following addresses for inspection and copying: Kentucky Department for Environmental Protection, Division of

Waste Management, 18 Reilly Road, Frankfort, Kentucky 40601; 502–564–6716; U.S. EPA Region IV, Library, 345 Courtland Street, NE., Atlanta, Georgia 30365; 404–347–4216. Written comments should be sent to Narindar Kumar at the address listed below.

**FOR FURTHER INFORMATION CONTACT:** Narindar Kumar, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365; 404–347–2234.

**SUPPLEMENTARY INFORMATION:**

## A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984, (Pub. L. 98–616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260–268, 124, and 270.

## B. Commonwealth of Kentucky

Kentucky initially received final authorization for its base RCRA program on January 31, 1985 (50 FR 2550, January 17, 1985). Kentucky has received authorization for revisions to its program through Non-HSWA Cluster III. Today Kentucky is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Kentucky's application and has made an immediate final decision that Kentucky's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Kentucky. The public may submit written comments on EPA's immediate final decision until November 30, 1992. Copies of Kentucky's application for program revisions are available for inspection and copying at the locations indicated in the ADDRESSES section of this notice.

Approval of Kentucky's program revision shall become effective December 29, 1992, unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period.

If an adverse comment is received, EPA will publish either (1) a withdrawal of the immediate final decision, or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

Kentucky is today seeking authority to administer the Toxicity Characteristic (TC) Provisions of HSWA Cluster II promulgated on March 29, 1990, and June 29, 1990.

| Federal requirement | FR reference | Federal promulgation date | State authority |
|---|---|---|---|
| Toxicity Characteristic Revisions | 55 FR 11798<br>55 FR 26986 | 3/29/90<br>6/29/90 | 401KAR 31:010.<br>Sect. 4(2)(f), 4(2)(i), 4(2)(j).<br>Sect. 8.<br>401KAR 31:030.<br>Sect. 5(1) & (2) & (3).<br>401KAR 31:040.<br>Sect. 1 (2).<br>401KAR 31:110.<br>401KAR 34:230.<br>Sect. 2(5)(a).<br>401KAR 35:200.<br>Sect. 10(4)(a).<br>401KAR 35:220.<br>Sect. 3(1).<br>401KAR 37:100. |

During EPA's review of Kentucky's application, a concern arose pertaining to the difference in the effective date of Kentucky's rule (9/25/91) and the effective date of the Federal rule (9/25/90), and its impact on the regulated community. EPA was concerned that Kentucky's later effective date could potentially allow facilities which do not qualify for interim status under the Federal rules to apply and obtain interim status under state rule once authorization is obtained. However, it has been determined that the later State compliance date has no effect on qualifying for RCRA interim status. A facility that misses the Federal deadline but submits a Part A before the State deadline has already missed its RCRA deadline for qualifying for interim status. RCRA Section 3009, as well as 40 CFR 271.1(j) and 271.25, together preclude Kentucky from enacting laws that would extend a HSWA compliance date that has already taken effect under Federal law.

## C. Decision

I conclude that Kentucky's application for program revisions meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Kentucky is granted final authorization to operate its hazardous waste program as revised.

Kentucy now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA

program, subject to the limitations of its program revision application and previously approved authorities. Kentucky also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under section 3008, 3013, and 7003 of RCRA.

*Compliance With Executive Order 12291*

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

*Certification Under the Regulatory Flexibility Act*

Pursuant to the provisions of 5 U.S.C. 604(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Kentucky's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

**List of Subjects in 40 CFR Part 271**

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

**Authority:** This notice is issued under the authority of sections 2002(a), 3006, 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926, 697(b)).

**Donald Guinyard,**

*Acting Regional Administrator.*

[FR Doc. 92- 26400 Filed 10-29-92; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL EMERGENCY MANAGEMENT ACENCY

**44 CFR Part 64**

**[Docket No. FEMA-7554]**

## Suspension of Community Eligibility

**AGENCY:** Federal Insurance Administration, FEMA.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the revised floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

**EFFECTIVE DATE:** The effective date of each community's suspension is listed in the fifth column of the tables.

**ADDRESSES:** If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

**FOR FURTHER INFORMATION CONTACT:** Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, 500 C Street SW., room 417, Washington, DC 20472, (202) 646-2717

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*, unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures.

On August 25, 1986, FEMA published a final rule in the **Federal Register** that revised the NFIP floodplain management requirements. The rule became effective on October 1, 1986. As a condition for continued eligibility in the NFIP, 44 CFR 60.7 gives communities six months to revise their floodplain management regulations to comply with any revised NFIP regulation or be subject to suspension from participation in the NFIP.

The communities listed in this document no longer meet the statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the fourth column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

**National Environmental Policy Act**

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

**Regulatory Flexibility Act**

The Federal Insurance Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date flood insurance will no longer be available in the communities unless they take remedial action.

**Regulatory Impact Analysis**

This rule is not a major rule under Executive Order 12291, Federal Regulation; February 17, 1981, 3 CFR, 1981 Comp., p. 127. No regulatory impact analysis has been prepared.

**Paperwork Reduction Act**

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

**Executive Order 12612, Federalism**

This rule involves no polices that have federalism implications under Executive Order 12612, Federalsim, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

**Exceutive Order 12778, Civil Justice Reform**

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

**List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

**PART 64—[AMENDED]**

1. The authority citation for part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

**§ 64.6 [Amended]**

2. The tables published under the authority of § 64.6 are amended as follows:

| State | Community name | County | Community No. | Effective date |
|---|---|---|---|---|
| West Virginia | Belle, town of | Kanawha | 540071 | Nov. 18, 1992 |
| Do | Chapmanville, town of | Logan | 540092 | Do. |
| Do | Delbarton, town of | Mingo | 540134 | Do. |
| Do | East Bank, town of | Kanawha | 540077 | Do. |
| Do | Gilbert, town of | Mingo | 540135 | Do. |
| Do | Henderson, town of | Mason | 540251 | Do. |
| Do | Hurricane, city of | Putnam | 540167 | Do. |
| Do | Iaeger, town of | McDowell | 540118 | Do. |
| Do | Kermit, town of | Mingo | 540136 | Do. |
| Do | Keystone, town of | McDowell | 540119 | Do. |
| Do | Leon, town of | Mason | 540113 | Do. |
| Do | Marmet, city of | Kanawha | 540079 | Do. |

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: October 23, 1992.

**C.M. "Bud" Schauerte,**

*Administrator, Federal Insurance Administration.*

[FR Doc. 92-26381 Filed 10-29-92; 8:45 am]

BILLING CODE 6718-21-M

**44 CFR Part 64**

**[Docket No. FEMA-7553]**

## Suspension of Community Eligibility

**AGENCY:** Federal Insurance Administration, FEMA.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

**EFFECTIVE DATES:** The effective date of each community's suspension is the last date ("Susp.") listed in the third column of the tables.

**ADDRESSES:** If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

**FOR FURTHER INFORMATION CONTACT:** Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, 500 C Street SW., room 417, Washington, DC 20472, (202) 646-2717.

**SUPPLEMENTARY INFORMATION:** The National Flood Insurance Program (NFIP) enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*, unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures.

The communities listed in this document have been regulated by the State of New York Department of Environmental Conservation under provisions of 6NYCRR part 500, Flood Plain Management Regulations. For that reason, the communities have been eligible to participate in the NFIP even though they have not adopted floodplain management regulations meeting the minimum NFIP requirements. On April 10, 1992, an amendment to the enabling legislation, article 36 of the Environmental Conservation Law, was signed into law terminating the Department's authority and responsibility for the part 500 regulatory program. Effective on that date, the provisions of that law were no longer in effect and the communities no longer meet the statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly the communities will be suspended on the effective date in the fourth column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be

provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP that have been identified for more than a year on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public comments under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

**National Environmental Policy Act**

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

**Regulatory Flexibility Act**

The Federal Insurance Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date flood insurance will no longer be available in the communities unless they take remedial action.

**Regulatory Impact Analysis**

This rule is not a major rule under Executive Order 12291, Federal Regulation, February 17, 1981, 3 CFR, 1981 Comp., p. 127. No regulatory impact analysis has been prepared.

**Paperwork Reduction Act**

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

**Executive Order 12612, Federalism**

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

**Executive Order 12778, Civil Justice Reform**

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

**List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

## PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376. § 64.4 [Amended].

2. The tables published under the authority of § 64.6 are amended as follows:

| State and location | Community No. | Effective date of authorization/cancellation of sale of flood insurance in community | Current effective map date | Date certain Federal assistance no longer available in special flood hazard areas |
|---|---|---|---|---|
| **Regular Program Conversions** | | | | |
| Region II: | | | | |
| New York: | | | | |
| Adams, town of Jefferson County | 360324 | Sept. 1, 1978, Emerg; June 5, 1985, Reg.; June 5, 1985, Susp.; Feb. 10, 1986, Rein.; Nov. 4, 1992, Susp. | June 5, 1985 | Nov. 4, 1992. |
| Adams, village of Jefferson County | 360325 | May 21, 1975, Emerg.; June 19, 1985, Reg.; June 19, 1985, Susp.; July 11, 1985, Rein.; Nov. 4, 1992, Susp. | June 19, 1985 | Do. |
| Alabama, town of Genesee County | 361067 | June 18, 1976, Emerg.; Nov. 18, 1983, Reg.; Sept. 16, 1988, Susp.; Dec. 5, 1989, Rein.; Nov. 4, 1992, Susp. | Nov. 18, 1983 | Do. |
| Allen, town of Allegany County | 361361 | Feb. 3, 1981, Emerg.; July 16, 1982, Reg.; Nov. 4, 1992, Susp. | July 16, 1982 | Do. |
| Amboy, town of Oswego County | 361260 | Sept. 6, 1985, Emerg.; Mar. 1, 1988, Reg.; Nov. 4, 1992, Susp. | Mar. 1, 1988 | Do. |
| Ames, village of Montgomery County | 360439 | Oct. 7, 1975, Emerg.; Dec. 4, 1985, Reg.; Sept. 25, 1986, Susp.; Sept. 25, 1986, Rein.; Nov. 4, 1992, Susp. | Dec. 4, 1985 | Do. |
| Angelica, town of Allegany County | 361095 | Mar. 10, 1982, Emerg.; Dec. 31, 1982, Reg.; Nov. 4, 1992, Susp. | Dec. 31, 1982 | Do. |
| Angelica, village of Allegany County | 360023 | June 8, 1976, Emerg.; Feb. 1, 1984, Reg.; Nov. 4, 1992, Susp. | Feb. 1, 1984 | Do. |
| Ausable, town of Clinton County | 360165 | Feb. 24, 1977, Emerg.; May 15, 1985, Reg.; Nov. 4, 1992, Susp. | May 15, 1985 | Do. |
| Ava, town of Oneida County | 360518 | Apr. 10, 1984, Emerg.; Feb. 1, 1985, Reg.; Nov. 4, 1992, Susp. | Feb. 1, 1985 | Do. |
| Beekmantown, town of Clinton County | 360166 | Dec. 15, 1975, Emerg.; May 4, 1987, Reg.; Nov. 4, 1992, Susp. | May 4, 1987 | Do. |
| Belfast, town of Allegany County | 361096 | Jan. 25, 1977, Emerg.; Aug. 6, 1982, Reg.; Nov. 4, 1992, Susp. | Aug. 6, 1982 | Do. |
| Bolivar, town of Allegany County | 361097 | July 2, 1981, Emerg.; July 30, 1982, Reg.; Nov. 4, 1992, Susp. | July 30, 1982 | Do. |

| State and location | Community No. | Effective date of authorization/cancellation of sale of flood insurance in community | Current effective map date | Date certain Federal assistance no longer available in special flood hazard areas |
|---|---|---|---|---|
| Brownville, village of Jefferson County | 361576 | Nov. 21, 1975, Emerg.; Mar. 18, 1986, Reg.; Nov. 4, 1992, Susp. | Mar. 18, 1986 | Do. |
| Brunswick, town of Rensselaer County | 361130 | Aug. 26, 1977, Emerg.; June 4, 1980, Reg.; Nov. 4, 1992, Susp. | June 4, 1980 | Do. |
| Brushton, village of Franklin County | 361480 | May 23, 1984, Emerg.; Feb. 19, 1986, Reg.; Feb. 19, 1986, Reg.; Nov. 4, 1992, Susp. | Feb. 19, 1986 | Do. |
| Burke, town of Franklin County | 361394 | May 23, 1984, Emerg.; Feb. 19, 1986, Reg.; Nov. 4, 1992, Susp. | Feb. 19, 1986 | Do. |
| Burlington, town of Otsego County | 361416 | May 13, 1977, Emerg.; Oct. 21, 1983, Reg.; Nov. 4, 1992, Susp. | Oct. 21, 1983 | Do. |
| Burns, town of Allegany County | 361098 | Feb. 26, 1981, Emerg.; July 16, 1982, Reg.; Nov. 4, 1992, Susp. | July 16, 1982 | Do. |
| Butler, town of Wayne County | 361445 | Feb. 1, 1980, Emerg.; July 9, 1982, Reg.; Nov. 4, 1992, Susp. | July 9, 1982 | Do. |
| Butternuts, town of Otsego County | 361247 | May 13, 1977, Emerg.; Dec. 23, 1983, Reg.; Nov. 4, 1992, Susp. | Dec. 23, 1983 | Do. |
| Cherry Creek, town of Chautauqua County | 361107 | July 8, 1980, Emerg.; July 2, 1982, Reg.; Nov. 4, 1992, Susp. | July 2, 1982 | Do. |
| Cherry Creek, village of Chautauqua County | 360136 | Aug. 8, 1978, Emerg.; Aug. 8, 1978, Reg.; Nov. 4, 1992, Susp. | Feb. 15, 1978 | Do. |
| Clayville, village of Oneida County | 360524 | June 12, 1984, Emerg.; June 12, 1984, Reg.; Nov. 4, 1992, Susp. | July 5, 1983 | Do. |
| Cobleskill, village of Schoharie County | 361573 | Feb. 17, 1976, Emerg.; Jan. 19, 1983, Reg.; Nov. 4, 1992, Susp. | Jan. 19, 1983 | Do. |
| Cold Spring, town of Cattaraugus County | 360064 | Dec. 21, 1978, Emerg.; Dec. 21, 1978, Reg.; Nov. 4, 1992, Susp. | Mar. 1, 1978 | Do. |
| Columbia, town of Herkimer County | 360299 | May 21, 1976, Emerg.; July 16, 1982, Reg.; Nov. 4, 1992, Susp. | July 16, 1982 | Do. |
| Conewango, town of Cattaraugus County | 360065 | Nov. 4, 1976, Emerg.; July 30, 1982, Reg.; Nov. 4, 1992, Susp. | July 30, 1982 | Do. |
| Conquest, town of Cayuga County | 360108 | June 24, 1977, Emerg.; Apr. 4, 1983, Reg.; Nov. 4, 1992, Susp. | Apr. 4, 1983 | Do. |
| Constableville, village of Lewis County | 360360 | Apr. 22, 1981, Emerg.; July 16, 1982, Reg.; Nov. 4, 1992, Susp. | July 16, 1982 | Do. |
| Danube, town of Herkimer County | 360300 | Feb. 14, 1984, Emerg.; July 3, 1985, Reg.; Nov. 4, 1992, Susp. | July 3, 1985 | Do. |
| DePeyster, town of St. Lawrence County | 361175 | Nov. 4, 1976, Emerg.; July 23, 1982, Reg.; Nov. 4, 1992, Susp. | July 23, 1982 | Do. |
| Diana, town of Lewis County | 360364 | June 13, 1983, Emerg.; Sept. 24, 1984, Reg.; Nov. 4, 1992, Susp. | Sept. 24, 1984 | Do. |
| Dickinson, town of Franklin County | 361122 | May 23, 1984, Emerg.; Mar. 18, 1986, Reg.; Nov. 4, 1992, Susp. | Mar. 18, 1986 | Do. |
| Ellenburg, town of Clinton County | 361382 | May 23, 1984, Emerg.; Mar. 4, 1986, Reg.; Nov. 4, 1992, Susp. | Mar. 4, 1986 | Do. |
| Fairfield, town of Herkimer County | 360302 | Sept. 1, 1976, Emerg.; July 30, 1982, Reg.; Nov. 4, 1992, Susp. | Oct. 18, 1988 | Do. |
| Farmersville, town of Cattaraugus County | 360071 | Jan. 21, 1977, Emerg.; July 23, 1982, Reg.; Nov. 4, 1992, Susp. | July 23, 1982 | Do. |
| Franklin, town of Franklin County | 361397 | June 18, 1982, Emerg.; Sept. 24, 1984, Reg.; Nov. 4, 1992, Susp. | Sept. 24, 1984 | Do. |
| Fulton, town of Schoharie County | 361195 | May 13, 1977, Emerg.; Nov. 18, 1983, Reg.; Nov. 4, 1992, Susp. | Nov. 18, 1983 | Do. |
| Galway, town of Saratoga County | 360716 | July 16, 1975, Emerg.; May 1, 1985, Reg.; Nov. 4, 1992, Susp. | May 1, 1985 | Do. |
| Genesee, town of Allegany County | 361101 | Oct. 18, 1978, Emerg.; July 30, 1982, Reg.; Nov. 4, 1992, Susp. | July 30, 1982 | Do. |
| Genoa, town of Cayuga County | 360111 | Feb. 1, 1977, Emerg.; Nov. 4, 1983, Reg.; Nov. 4, 1992, Susp. | Nov. 4, 1983 | Do. |
| Grove, town of Allegany County | 361005 | Nov. 26, 1976, Emerg.; July 9, 1982, Reg.; Nov. 4, 1992, Susp. | Nov. 4, 1991 | Do. |
| Halcott, town of Greene County | 360291 | Dec. 11, 1979, Emerg.; Nov. 4, 1983, Reg.; Nov. 4, 1992, Susp. | Nov. 4, 1983 | Do. |
| Hannibal, town of Oswego County | 360651 | Sept. 6, 1985, Emerg.; Feb. 1, 1988, Reg.; Nov. 4, 1992, Susp. | Feb. 1, 1988 | Do. |
| Harrisville, village of Lewis County | 361451 | May 16, 1983, Emerg.; Sept. 24, 1984, Reg.; Nov. 4, 1992, Susp. | Sept. 24, 1984 | Do. |
| Hartwick, town of Otsego County | 361271 | May 13, 1977, Emerg.; Nov. 4, 1983, Reg.; Nov. 4, 1992, Susp. | Nov. 4, 1983 | Do. |
| Hopkinton, town of St. Lawrence County | 361179 | Apr. 29, 1981, Emerg.; Nov. 12, 1982, Reg.; Nov. 4, 1992, Susp. | Nov. 12, 1982 | Do. |
| Humphrey, town of Cattaraugus County | 360078 | Apr. 13, 1981, Emerg.; Aug. 13, 1982, Reg.; Nov. 4, 1992, Susp. | Aug. 13, 1982 | Do. |
| Ischua, town of Cattaraugus County | 360079 | Feb. 15, 1977, Emerg.; Aug. 15, 1978, Reg.; Nov. 4, 1992, Susp. | Aug. 15, 1978 | Do. |
| Italy, town of Yates County | 360958 | Nov. 30, 1979, Emerg.; July 23, 1982, Reg.; Nov. 4, 1992, Susp. | July 23, 1982 | Do. |
| Jasper, town of Steuben County | 361212 | Feb. 3, 1980, Emerg.; July 23, 1982, Reg.; Nov. 4, 1992, Susp. | July 23, 1982 | Do. |

| State and location | Community No. | Effective date of authorization/cancellation of sale of flood insurance in community | Current effective map date | Date certain Federal assistance no longer available in special flood hazard areas |
|---|---|---|---|---|
| Lapeer, town of Cortland County | 361326 | Nov. 4, 1976, Emerg.; July 20, 1984, Reg.; Nov. 4, 1992, Susp. | July 20, 1984 | Do. |
| Leon, town of Cattaraugus County | 360080 | Mar. 24, 1981, Emerg.; Aug. 13, 1982, Reg.; Nov. 4, 1992, Susp. | Aug. 13, 1982 | Do. |
| Lima, village of Livingston County | 361457 | Jan. 11, 1980, Emerg.; July 23, 1982, Reg.; Nov. 4, 1992, Susp. | July 23, 1982 | Do. |
| Long Lake, town of Hamilton County | 361406 | Nov. 7, 1983, Emerg.; Sept. 24, 1984, Reg.; Nov. 4, 1992, Susp. | Sept. 24, 1984 | Do. |
| Lyndon, town of Cattaraugus County | 360083 | Mar. 9, 1981, Emerg.; July 16, 1982, Reg.; Nov. 4, 1992, Susp. | July 16, 1982 | Do. |
| Marshall, town of Oneida County | 360534 | July 17, 1975, Emerg.; Sept. 30, 1982, Reg.; Nov. 4, 1992, Susp. | Sept. 30, 1982 | Do. |
| Maryland, town of Otsego County | 361272 | Aug. 30, 1976, Emerg.; June 3, 1986, Reg.; Nov. 4, 1992, Susp. | June 3, 1986 | Do. |
| Milford, village of Otsego County | 361352 | May 13, 1977, Emerg.; Nov. 18, 1983, Reg.; Nov. 4, 1992, Susp. | Nov. 18, 1983 | Do. |
| Minerva, town of Essex County | 361153 | June 21, 1982, Emerg.; Oct. 5, 1984, Reg.; Nov. 4, 1992, Susp. | Oct. 5, 1984 | Do. |
| Moira, town of Franklin County | 361125 | May 23, 1984, Emerg.; Apr. 15, 1986, Reg.; Nov. 4, 1992, Susp. | Apr. 15, 1986 | Do. |
| Mooers, village of Clinton County | 361383 | Mar. 24, 1977, Emerg.; June 19, 1985, Reg.; Nov. 4, 1992, Susp. | June 19, 1985 | Do. |
| Moriah, town of Essex County | 361389 | Nov. 7, 1983, Emerg.; Sept. 24, 1984, Reg.; Nov. 4, 1992, Susp. | Sept. 24, 1984 | Do. |
| Morris, town of Otsego County | 361273 | Apr. 12, 1976, Emerg.; Jan. 3, 1986, Reg.; Nov. 4, 1992, Susp. | Jan. 3, 1986 | Do. |
| Morris, village of Otsego County | 361353 | Apr. 25, 1977, Emerg.; Dec. 4, 1985, Reg.; Nov. 4, 1992, Susp. | Dec. 4, 1985 | Do. |
| Morristown, town of St. Lawrence County | 360706 | July 30, 1980, Emerg.; Apr. 6, 1982, Reg.; Nov. 4, 1992, Susp. | Aug. 6, 1982 | Do. |
| Morrisville, village of Madison County | 360406 | Nov. 26, 1976, Emerg.; Apr. 15, 1982, Reg.; Nov. 4, 1992, Susp. | Apr. 15, 1982 | Do. |
| Napoli, town of Cattaraugus County | 360086 | Apr. 20, 1977, Emerg.; July 2, 1982, Reg.; Nov. 4, 1992, Susp. | July 2, 1982 | Do. |
| Nelliston, village of Montgomery County | 360453 | May 13, 1976, Emerg.; Nov. 3, 1982, Reg.; Nov. 4, 1992, Susp. | Nov. 3, 1982 | Do. |
| Newcomb, town of Essex County | 361390 | Apr. 15, 1976, Emerg.; June 5, 1985, Reg.; Nov. 4, 1992, Susp. | June 5, 1985 | Do. |
| Nichols, village of Tioga County | 360838 | Sept. 2, 1976, Emerg.; Sept. 29, 1986, Reg.; Nov. 4, 1992, Susp. | Sept. 29, 1986 | Do. |
| Niles, town of Cayuga County | 360119 | July 21, 1975, Emerg.; Feb. 6, 1984, Reg.; Nov. 4, 1992, Susp. | Feb. 6, 1984 | Do. |
| North Hudson, town of Essex County | 361391 | July 30, 1976, Emerg.; May 15, 1985, Reg.; Nov. 4, 1992, Susp. | May 15, 1985 | Do. |
| Ohio, town of, Herkimer County | 361048 | Sept. 8, 1983, Emerg.; Sept. 24, 1984, Reg.; Nov. 4, 1992, Susp. | Sept. 24, 1984 | Do. |
| Oneida Castle, village of Oneida County | 361526 | June 1, 1983, Emerg.; Sept. 15, 1983, Reg.; Nov. 4, 1992, Susp. | July 4, 1989 | Do. |
| Palatine Bridge, village of Montgomery County | 360454 | Dec. 24, 1975, Emerg.; Nov. 17, 1982, Reg.; Nov. 4, 1992, Susp. | Nov. 17, 1982 | Do. |
| Palermo, town of Oswego County | 361263 | Sept. 6, 1985, Emerg.; Mar. 1, 1988, Reg.; Nov. 4, 1992, Susp. | Mar. 1, 1988 | Do. |
| Pike, village of Wyoming County | 360947 | Apr. 30, 1976, Emerg.; Dec. 23, 1983, Reg.; Nov. 4, 1992, Susp. | Dec. 23, 1983 | Do. |
| Pitcairn, town of St. Lawrence County | 361184 | Jan. 23, 1981, Emerg.; Aug. 13, 1982, Reg.; Nov. 4, 1992, Susp. | Aug. 13, 1982 | Do. |
| Pittsfield, town of Otsego County | 361277 | May 13, 1977, Emerg.; Nov. 4, 1983, Reg.; Nov. 4, 1992, Susp. | Nov. 4, 1983 | Do. |
| Plainfield, town of Otsego County | 361278 | May 13, 1977, Emerg.; Nov. 4, 1983, Reg.; Nov. 4, 1992, Susp. | Nov. 4, 1983 | Do. |
| Prospect, village of Oneida County | 361356 | Mar. 3, 1980, Emerg.; July 30, 1982, Reg.; Nov. 4, 1992, Susp. | July 30, 1982 | Do. |
| Redfield, town of Oswego County | 361265 | Sept. 17, 1985, Emerg.; Apr. 1, 1991, Reg.; Nov. 4, 1992, Susp. | Apr. 1, 1991 | Do. |
| Remsen, village of Oneida County | 360541 | Sept. 8, 1983, Emerg.; Sept. 24, 1984, Reg.; Nov. 4, 1992, Susp. | Sept. 24, 1984 | Do. |
| Rensselaerville, town of Albany County | 360014 | May 13, 1977, Emerg.; Aug. 27, 1982, Reg.; Nov. 4, 1992, Susp. | Aug. 27, 1982 | Do. |
| Richburg, village of Allegany County | 360032 | May 21, 1975, Emerg.; Jan. 5, 1978, Reg.; Nov. 4, 1992, Susp. | Jan. 5, 1978 | Do. |
| Rodman, town of Jefferson County | 360349 | July 29, 1975, Emerg.; July 3, 1985, Reg.; Nov. 4, 1992, Susp. | July 3, 1985 | Do. |
| Rossie, town of St. Lawrence County | 361186 | Sept. 12, 1980, Emerg.; July 30, 1982, Reg.; Nov. 4, 1992, Susp. | July 30, 1985 | Do. |
| Saranac, town of Clinton County | 360171 | May 9, 1978, Emerg.; June 5, 1985, Reg.; Nov. 4, 1992, Susp. | Mar. 3, 1992 | Do. |
| Schaghticoke, village of Rensselaer County | 361058 | Dec. 27, 1979, Emerg.; June 11, 1982, Reg.; Nov. 4, 1992, Susp. | June 5, 1985 | Do. |

| State and location | Community No. | Effective date of authorization/cancellation of sale of flood insurance in community | Current effective map date | Date certain Federal assistance no longer available in special flood hazard areas |
|---|---|---|---|---|
| Sempronius, town of Cayuga County | 360123 | Jan. 7, 1976, Emerg.; Nov. 4, 1983, Reg.; Nov. 4, 1992, Susp. | Nov. 4, 1983 | Do. |
| South Dayton, village of Cattaraugus County | 360099 | Sept. 25, 1978, Emerg.; Jan. 5, 1978, Reg.; Nov. 4, 1992, Susp. | Jan. 5, 1978 | Do. |
| St. Armand, town of Essex County | 361157 | Aug. 10, 1984, Emerg.; Feb. 5, 1986, Reg.; Nov. 4, 1992, Susp. | Feb. 5, 1986 | Do. |
| Stafford, town of Genesee County | 361118 | Mar. 1, 1977, Emerg.; July 16, 1982, Reg.; Nov. 4, 1992, Susp. | July 16, 1982 | Do. |
| Sterling, town of Cayuga County | 360126 | Nov. 26, 1976, Emerg.; Aug. 3, 1981, Reg.; Nov. 4, 1992, Susp. | May 18, 1992 | Do. |
| Steuben, town of Oneida County | 360555 | June 13, 1983, Emerg.; Sept. 24, 1984, Reg.; Nov. 4, 1992, Susp. | Sept. 24, 1984 | Do. |
| Stony Creek, town of Warren County | 360880 | Dec. 29, 1980, Emerg.; Aug. 24, 1984, Reg.; Nov. 4, 1992, Susp. | Aug. 24, 1984 | Do. |
| Triangle, town of Broome County | 360055 | Aug. 11, 1976, Emerg.; July 20, 1984, Reg.; Nov. 4, 1992, Susp. | July 20, 1984 | Do. |
| Villenova, town of Chautaugua County | 361082 | Sept. 22, 1976, Emerg.; May 21, 1982, Reg.; Nov. 4, 1992, Susp. | May 21, 1982 | Do. |
| Waverly, town of Franklin County | 361126 | Jan. 22, 1976, Emerg.; Dec. 4, 1985, Reg.; Nov. 4, 1992, Susp. | Dec. 4, 1985 | Do. |
| Wethersfield, town of Wyoming County | 361246 | Sept. 30, 1980, Emerg.; July 16, 1982, Reg.; Nov. 4, 1992, Susp. | July 16, 1982 | Do |
| Willet, town of Cortland County | 361331 | Jan. 21, 1977, Emerg.; July 20, 1984, Reg.; Nov. 4, 1992, Susp. | July 20, 1984 | Do. |
| Williamstown, town of Oswego County | 361267 | Sept. 6, 1985, Emerg.; Mar. 1, 1988, Reg.; Nov. 4, 1992, Susp. | Mar. 1, 1988 | Do. |
| Wirt, town of Allegany County | 361597 | Dec. 21, 1978, Emerg.; June 25, 1982, Reg.; Nov. 4, 1992, Susp. | June 25, 1982 | Do |
| Wolcott, town of Wayne County | 360901 | June 8, 1976, Emerg.; July 23, 1982, Reg.; Nov. 4, 1992, Susp. | June 2, 1992 | Do |

Code for reading third column: Emerg.-Emergency; Reg.-Regular; Rein.-Reinstatement; Susp-Suspension.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: October 23, 1992.

**C.M. "Bud" Schauerte,**

*Administrator, Federal Insurance Administration.*

[FR Doc. 92-26380 Filed 10-29-92; 8:45 am]

BILLING CODE 6718-21-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[MM Docket No. 92-75; RM-7953]**

### Radio Broadcasting Services; Boone and Emmetsburg, IA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Radio Ingstad of Iowa, Inc., substitutes Channel 252C2 for Channel 252C3 at Boone, Iowa, and modifies the license of Station KIAB(FM) to specify operation on the higher class channel. To accommodate the allotment of Channel 252C2 at Boone, the Commission also substitutes Channel 261A for Channel 252A at Emmetsburg, Iowa, and modifies the license of Station KEMB to specify operation on the alternate Class A channel. Channel 252C2 can be allotted to Boone with a site restriction of 31.3 kilometers (19.4 miles) southwest to accommodate petitioner's desired transmitter site, at coordinates North Latitude 41-49-00 and West Longitude 93-42-00. Channel 261A can be allotted to Emmetsburg, Iowa, with a site restriction of 12.1 kilometers (7.5 miles) west at coordinates 43-04-00; 94-49-00. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** December 10, 1992.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 92-75, adopted September 28, 1992, and released October 26, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1990 M Street, NW., Suite 640, Washington, DC 20036.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

**Part 73—[AMENDED]**

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Iowa, is amended by removing Channel 252C3 and adding Channel 252C2 at Boone, and by removing Channel 252A and adding Channel 261A at Emmetsburg.

Federal Communications Commission.

**Michael C. Ruger,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 92-26348 Filed 10-29-92; 8:45 am]

BILLING CODE 6712-01-M

### 47 CFR Part 73

**[MM Docket No. 92-150; RM-8024]**

### Radio Broadcasting Services; Trenton, Missouri

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document substitutes Channel 222C3 for Channel 221A at Trenton, Missouri, and modifies the license for Station KTTN-FM to specify

operation on Channel 222C3 in response to a petition filed by Marvin E. Luehrs. See 57 FR 31996, July 20, 1992. The coordinates for Channel 222C3 are 40–05–00 and 93–33–30. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** December 10, 1992.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 92–150, adopted September 28, 1992, and released October 26, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1990 M Street, NW., Suite 640 Washington, DC 20036, (202) 452–1422.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

**PART 73—[AMENDED]**

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by removing Channel 221A and adding Channel 222C3 at Trenton.

Federal Communications Commission.

**Michael C. Ruger,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 92–26349 Filed 10–29–92; 8:45 am]

BILLING CODE 6712–01–M

**47 CFR Part 73**

**[MM Docket No. 91–47; RM–7620, RM–7731]**

## Radio Broadcasting Services; Fairfield and Neoga, IL

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 290A to Fairfield, Illinois, as that community's second local FM service, at the request of Fairfield Communications. In addition, it allots Channel 255A to Neoga, Illinois, as that community's second local FM service, at the request of Mumbles Corporation. See 56 FR 09924, March 18, 1991. Channel 290A can be allotted to Fairfield, Illinois, in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates are North Latitude 38–24–21 and West Longitude 88–23–54. Channel 255A can be allotted to Neoga, Illinois, in compliance with the Commission's minimum distance separation requirements with a site restriction 4.7 kilometers (2.9 miles) southwest, in order to avoid a short-spacing to Station WIAI, Channel 256A, Danville, Illinois. The coordinates are North Latitude 39–17–29 and West Longitude 88–29–31. With this action, this processing is terminated.

**DATES:** Effective December 10, 1992. The window period for filing applications for Channel 290A at Fairfield, Illinois, and Channel 255A at Neoga, Illinois, will open on December 11, 1992, and close on January 11, 1993.

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Walls, Mass Media Bureau, (202) 634–6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 91–47, adopted September 28, 1992, and released October 26, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1990 M Street NW., suite 640, Washington, DC 20036.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

**PART 73—[AMENDED]**

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Illinois, is amended by adding Channel 290A at Fairfield and by adding Channel 255A at Neoga.

Federal Communications Commission.

**Michael C. Ruger,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 92–26350 Filed 10–29–92; 8:45 am]

BILLING CODE 6712–01–M

**47 CFR Part 73**

**[MM Docket No. 92–149; RM–8023]**

## Radio Broadcasting Services; Liberal, KS

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document substitutes Channel 286C1 for Channel 286C2 at Liberal, Kansas, and modifies the construction permit for Station KZQD (FM) to specify operation on Channel 286C1, in response to a petition filed by Alpha Broadcasting, Inc. See 57 FR 31996, July 20, 1992. The coordinates for Channel 286C1 are 37–17–39 and 100–51–38. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** December 10, 1992.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 92–149, adopted September 28, 1992, and released October 26, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1990 M Street, NW., Suite 640, Washington, DC 20036, (202) 452–1422.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

**Part 73—[AMENDED]**

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Kansas, is amended by removing Channel 286C2 and adding Channel 286C1 at Liberal.

Federal Communications Commission.

**Michael C. Ruger,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 92–26351 Filed 10–29–92; 8:45 am]

BILLING CODE 6712–01–M

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Part 1023

[Ex Parte No. MC-100 (Sub-No. 8)]

### Registration and Identification of Vehicles; Petition by American Trucking Associations, Inc., for Rulemaking

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is amending its regulations pertaining to registration of certificates and permits with the States by extending for 3 months (to May 1, 1993) the period for which 1992 registrations will remain valid. This action is necessary to relieve the trucking industry of undue administrative burdens caused by uncertainty surrounding the status of prior suspended ICC rule revisions. This action is intended to enable motor carriers to continue operating, without bearing excessive unforeseen costs, while the 1993 registration process is being completed.

**DATES:** The amendments to part 1023 will become effective December 7, 1992. Comments are due November 23, 1992.

**FOR FURTHER INFORMATION CONTACT:** Richard B. Felder, (202) 927-5610, Kenneth H. Schwartz, (202) 927-5316. (TDD for hearing impaired: (202). 927-5721).

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

### Regulatory Flexibility Analysis

Pursuant to 5 U.S.C. 605(b), we conclude that our action in this proceeding will not have a significant economic impact on a substantial number of small entities. No new regulatory requirements are imposed, directly or indirectly, on such entities. The purpose of our action is to reduce a regulatory burden. The economic impact on small entities, if any, will be to reduce administrative costs and is not likely to be significant within the meaning of the Regulatory Flexibility Act.

### List of Subjects in 49 CFR Part 1023

Insurance, Motor carriers, Surety bonds.

Decided: October 26, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett. Vice Chairman McDonald and Commissioner Simmons dissented with separate expressions.

**Sidney L. Strickland, Jr.,**

*Secretary.*

For the reasons set forth in the preamble, title 49, chapter X, of the Code of Federal Regulations is amended as follows:

The following amendments are to Part 1023 in effect on the effective date of these amendments.

## PART 1023—STANDARDS FOR REGISTRATION OF CERTIFICATES AND PERMITS WITH STATES

1. The authority citation for part 1023 continues to read as follows:

**Authority:** 49 U.S.C. 11506.

2. In § 1023.32, paragraph (e) is amended by adding a final sentence to the end of the paragraph and paragraph (f) is revised to read as follows:

**§ 1023.32 Registration and identification.**

* * * * *

(e) * * * However, any cab card valid for the 1992 year shall be deemed not to expire until May 1, 1993.

(f) The registration and identification of a vehicle or driveaway operations under the provisions of this subpart and the identification stamp or number evidencing same and the cab card prepared therefor shall become void on the 1st day of May in the succeeding calendar year, unless such registration is terminated prior thereto.

3. § 1023.35 is revised to read as follows:

**§ 1023.35 Form of identification stamp or number.**

(a) Any identification stamp issued under the provisions of this subpart by a State commission shall bear its name or symbol and such other distinctive markings or information, if any, as the Commission deems appropriate. In addition, such stamp, if issued for the 1992 year, shall be deemed to bear an expiration date of May 1, 1993, as provided in § 1023.32. The stamp shall be in the shape of a square and shall not exceed 1 inch in diameter. Any identification number issued by a State commission under the provisions of this subpart shall not exceed the dimensions of a square 1 inch in diameter.

(b) No identification stamp or identification number issued under this subpart for the 1992 year shall be deemed by any State to have expired prior to May 1, 1993.

[FR Doc. 92-26412 Filed 10-29-92; 8:45 am]

BILLING CODE 7035-01-M

# Proposed Rules

Federal Register
Vol. 57, No. 211
Friday, October 30, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

[Docket No. 92-NM-192-AD]

### Airworthiness Directives; Fokker Model F27 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Fokker Model F27 series airplanes. This proposal would require replacing each long bolt at the wing truss and rib attachment points with two shorter improved bolts. This proposal is prompted by reports of loose truss members in the wing. The actions specified by the proposed AD are intended to prevent reduced structural integrity of the wing.

**DATES:** Comments must be received by December 28, 1992.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-192-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mark Quam, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2145; fax (206) 227-1320.

**SUPPLEMENTARY INFORMATION:**

#### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-192-AD." The postcard will be date stamped and returned to the commenter.

#### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-192-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion:

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for The Netherlands, recently notified the FAA that an unsafe condition may exist on certain Fokker Model F27 series airplanes. The RLD advises that there have been several reports of loose truss member attachments to the ribs at wing stations 4800, 5950, 7200, 8350, and 9397. The single bolt attachment apparently clamps the truss members to the ribs at these wing stations ineffectively, which causes the truss members to become loose. This condition, if not corrected, could lead to reduced structural integrity of the wing.

Fokker has issued Service Bulletin F27/57-25, Revision 1, dated August 1, 1991, which describes procedures for replacing each long bolt at the wing truss and rib attachment points at wing stations 4800, 5950, 7200, 8350, and 9397, with two shorter improved bolts. Installation of the two shorter bolts will more securely clamp the truss members within the referenced wing stations. The RLD classified this service bulletin as mandatory and issued Netherlands Airworthiness Directive BLA 91-110, dated September 13, 1991, in order to assure the continued airworthiness of these airplanes in The Netherlands.

This airplane model is manufactured in The Netherlands and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require replacing each long bolt at the wing truss and rib attachment points with two shorter and improved bolts. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 31 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 12 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. The cost of required parts is expected to be negligible. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $20,640, or $660 per airplane. This total cost figure assumes that no operator has yet

accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

## PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

**§ 39.13 [Amended]**

2. Section 39.13 is amended by adding the following new airworthiness directive:

Fokker: Docket 92–NM–192–AD.

*Applicability:* Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 series airplanes; certificated in any category.

*Compliance:* Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the wings, accomplish the following:

(a) Within 3 years after the effective date of this AD, remove each bolt, part number AN3–15A or AN3–16A, attaching the truss members to the ribs at wing stations 4800, 5950, 7200, 8350, and 9397, and install two bolts, part number NAS1303, in accordance with Fokker Service Bulletin F27/57–25, Revision 1, dated August 1, 1991.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on October 26, 1992

**James V. Devany,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 92–26417 Filed 10–29–92; 8:45 am]

**BILLING CODE 4910–13–M**

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**14 CFR Part 39**

**[Docket No. 92–NM–168–AD]**

## Airworthiness Directives; Boeing Model 737–100, –200, and –200C Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 737–100, –200, and –200C series airplanes. This proposal would require structural inspections of older airplanes. This proposal is prompted by reports of incidents involving fatigue cracking and corrosion in transport category airplanes that are approaching or have exceeded their design life goal. The actions specified by the proposed AD are intended to prevent degradation of the structural capabilities of the affected airplanes. This proposal also relates to the recommendations of the Airworthiness Assurance Task Force assigned to review Model 737 series airplanes, which indicate that, to assure long term continued operational safety, various structural inspections should be accomplished.

**DATES:** Comments must be received by December 28, 1992.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–168–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Thomas Rodriguez, Aerospace Engineer, Airframe Branch, ANM–120S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2779; fax (206) 227–1181.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–168–AD." The postcard will be date stamped and returned to the commenter.

**Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No.

92–NM–168–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

**Discussion**

In April 1988, a high-cycle Boeing Model 737 suffered major structural damage in-flight. Investigation revealed that the airplane had numerous fatigue cracks and a great deal of corrosion.

This incident prompted the FAA to sponsor a conference on aging airplanes, which was attended by members of the aviation industry, other regulatory authorities, and the general public. From the exchange that took place at the conference, it became obvious that, because of the huge increase in air travel, the relatively slow pace of new airplane production, and the apparent economic feasibility of operating older technology airplanes, older airplanes will continue to be operated rather than be retired. Because of the problems revealed by the accident described above, it was generally agreed that increased attention needed to be focused on this aging fleet and maintaining its continued operational safety.

The Air Transport Association (ATA) of America and the Aerospace Industries Association (AIA) of America committed to identifying and implementing procedures to ensure continuing structural airworthiness of aging transport category airplanes. An Airworthiness Assurance Task Force, with representatives from the aircraft operators, manufacturers, regulatory authorities, and other aviation representatives, was established in August 1988. The objective of the Task Force was to sponsor "Working Groups" to (1) select service bulletins, applicable to each airplane model in the transport fleet, to be recommended for mandatory modification of aging airplanes, (2) develop corrosion-directed inspections and prevention programs, (3) review the adequacy of each operator's structural maintenance program, (4) review and update the Supplemental Structural Inspection Documents (SSID), and (5) assess repair quality.

The Working Group assigned to review the Boeing Model 737 series airplanes completed its work on Item (2) in July 1989 and developed a baseline program for controlling corrosion problems that may jeopardize the continued airworthiness of the Boeing Model 737 fleet. This program is contained in Boeing Document Number D6–38528 "Aging Airplane Corrosion Prevention and Control Program, Model 737," Revision A, dated July 28, 1989. The FAA issued AD 90–25–01, Amendment 39–6789 (55 FR 49263, November 27, 1990), which requires implementation of a corrosion prevention and control program.

The Working Group completed a portion of its work on Item (1) in December 1989. The Working Group's proposal is contained in Boeing Document Number D6–38505, "Aging Airplane Service Bulletin Structural Modification Program—Model 737–100/–200/–200C," Revision C, dated December 11, 1989. The FAA has issued AD 90–06–02, Amendment 39–6489 (55 FR 8372, March 7, 1990), which requires the installation of the structural modifications identified in the document.

The action being proposed herein follows from the on-going activities of the Working Group relative to Item (1). The Working Group has identified certain service difficulties that warrant mandatory inspections rather than mandatory modifications of the airplane. The Working Group considers that these service difficulties can be safely controlled in older airplanes by inspection alone and that, because of the safety implications, the inspections should be mandatory to assure that all operators perform them. Typically, the addressed unsafe conditions have occurred infrequently on older airplanes, and the Working Group has a very high degree of confidence in the ability of an inspection program to detect the damage before it adversely affects safety.

The Working Group has reviewed 189 service bulletins related to the long term operation of the Model 737 series airplane. Sixteen of these service bulletins were recommended to the FAA for mandatory inspection action to ensure the successful long term operation of Model 737 series airplanes. The conditions addressed by these service bulletins, if not corrected, could result in degradation of the structural capabilities of the affected airplanes. The FAA has concurred with the Working Group's recommendations and has determined that AD action to mandate the inspections is warranted to assure the continued airworthiness of the Model 737 fleet.

The FAA has reviewed and approved Section 4 and Appendices A.4 and B.4 of Boeing Document D6–38505, "Aging Airplane Service Bulletin Structural Modification and Inspection Program," Revision F, dated April 23, 1992. These sections of the document reference 6 service bulletins that describe inspections of the wings for cracks, and 10 service bulletins that describe inspections of the fuselage for cracks.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require inspections of certain structural components for cracks, corrosion, and other discrepancies, and repair or correction, if necessary. The actions would be required to be accomplished in accordance with the Boeing document described previously.

There are approximately 1,144 Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 464 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 496 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $12,657,920, or $27,280 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

## PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

**§ 39.13 [Amended]**

2. Section 39.13 is amended by adding the following new airworthiness directive:

**Boeing:** Docket 92–NM–168–AD.

*Applicability:* Model 737–100, -200, and -200C series airplanes, as listed in Section 4 and Appendices A.4 and B.4 of Boeing Document D6–38505, "Aging Airplane Service Bulletin Structural Modification and Inspection Program," Revision F, dated April 23, 1992; certificated in any category.

*Compliance:* Required as indicated, unless accomplished previously.

To prevent degradation of the structural capability of the airplane, accomplish the following:

(a) Accomplish the inspections specified in Section 4 and Appendices A.4 and B.4 of Boeing Document No. D6–38505, Revision F, dated April 23, 1992, within the times specified in paragraph (b) of this AD, and thereafter at intervals not to exceed those specified in the corresponding service bulletin for the inspections.

(b) The maximum initial inspection times for the inspections contained in Section 4 and Appendices A.4 and B.4 of Boeing Document No. D6–38505, Revision F, dated April 23, 1992, shall be the later of the time specified in either paragraph (b)(1) or (b)(2) of this AD:

(1) The threshold for inspection time for the inspection specified in the corresponding service bulletin, measured as a total (flight cycles, time-in-service, as appropriate) accumulated on the airplane; or

(2) The phase-in period for the inspection specified in the corresponding service bulletin, measured from the effective date of this AD.

(c) If any of the discrepant conditions identified in the service bulletins are found as a result of the inspections required by this AD, the corresponding corrective action specified in the service bulletins must be accomplished prior to further flight.

(d) The terminating action for each inspection required by paragraph (a) of this AD consists of the accomplishment of the modification specified in the corresponding service bulletin.

(e) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

**Note:** Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Seattle ACO.

(f) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on October 26, 1992.

**James V. Devany,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 92–26419 Filed 10–29–92; 8:45 am]

**BILLING CODE 4910–13–M**

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## 14 CFR Part 39

**[Docket No. 92–NM–185–AD]**

## Airworthiness Directives; Short Brothers Model SD3–60 and SD3–SHERPA Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Short Brothers Model SD3–60 and SD3–SHERPA series airplanes. This proposal would require an inspection of the fork end of the rear pintle pin on each main landing gear (MLG) to verify that sealant is properly applied and is undamaged; removal of the bushings and an inspection to detect faults of the bores in the fork end, if necessary; and repair of the fork end of the pintle pin, if necessary. This proposal is prompted by a report that the fork end of the rear pintle pin on a MLG was found cracked due to stress corrosion that had developed as a result of the absence of sealant around the flange of the bushing. The actions specified by the proposed AD are intended to prevent stress-corrosion cracking and subsequent failure of the MLG.

**DATES:** Comments must be received by December 28, 1992.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–185–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Short Brothers, PLC, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202–3719. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Mr. Hank Jenkins, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2141; fax (206) 227–1320.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–185–AD." The postcard will be date stamped and returned to the commenter.

### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–185–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

### Discussion:

The United Kingdom Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all Short Brothers Model SD3–60 and SD3–SHERPA series airplanes. The CAA advises that, during a recent visual inspection of a main landing gear (MLG), the fork end of the rear pintle pin on a MLG was found cracked. This

particular type of MLG is installed on Short Brothers Model SD3–60 and SD3 SHERPA series airplanes. The rear pintle pin was removed, and subsequent examination of the fork end revealed that the cracking was caused by stress corrosion due to the absence of a fillet of sealant around the flange of one of the bronze bushings. Stress corrosion this area, if not detected and repaired, could lead to cracking and subsequent failure of the MLG.

Short Brothers, PLC, has issued Shorts SD3–60 Service Bulletin SD360–32–33, dated August 7, 1992, which describes procedures for a one-time visual inspection of the fork end of the rear pintle pin on each MLG to verify that an undamaged fillet of sealant is properly applied around the flanges of the bronze bushings; removal of the bushings and a magnetic non-destructive testing (NDT) inspection to detect faults of the bores in the fork end, if necessary; and repair of the fork end of the pintle pin, if necessary. (This service bulletin references Dowty Aerospace Gloucester Service Bulletin 32–70SD, dated March 25, 1992, as an additional service information source.) The CAA classified the Shorts SD3–60 service bulletin as mandatory.

These airplane models are manufactured in the United Kingdom and are type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require a one-time visual inspection of the fork end of the rear pintle pin on each MLG to verify that an undamaged fillet of sealant is properly applied around the flanges of the bronze bushings; removal of the bushings and a magnetic NDT inspection to detect faults of the bores in the fork end, if necessary; and repair of the fork end of the pintle pin, if necessary. The actions would be required to be accomplished in accordance with the Shorts SD3–60 service bulletin described previously.

The FAA estimates that 58 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 0.5 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,595, or $27.50 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

## PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**Short Brothers, PLC:** Docket 92–NM–185–AD.

*Applicability:* All Model SD3–60 and SD3–SHERPA series airplanes, certificated in any category.

*Compliance:* Required as indicated, unless accomplished previously. To prevent stress-corrosion cracking and subsequent failure of the main landing gear (MLG), accomplish the following:

(a) Within 300 hours time-in-service or 30 days after the effective date of this AD, whichever occurs first, perform a visual inspection of the fork end of the rear pintle pin on each MLG to verify that an undamaged fillet of sealant is properly applied around the flanges of the bronze bushings, in accordance with Shorts SD3–60 Service Bulletin SD360–32–33, dated August 7, 1992.

(1) If an undamaged fillet of properly-applied sealant is found: No further action is required by this AD.

(2) If no fillet of sealant is found at the joint line, or if a damaged fillet of sealant is found: Prior to the accumulation of 1,200 hours time-in-service or 120 days after accomplishing the inspection required by paragraph (a) of this AD, whichever occurs first, remove the bushings and perform a magnetic non-destructive testing (NDT) inspection to detect faults of the bores in the fork end, in accordance with the service bulletin. If faults are found as a result of the NDT inspection, prior to further flight, repair the fork end of the rear pintle pin in a manner approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch.

**Note:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on October 26, 1992.

**James V. Devany,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 92–26420 Filed 10–29–92; 8:45 am]

BILLING CODE 4910–13–M

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**14 CFR Part 39**

**[Docket No. 92–NM–165–AD]**

## Airworthiness Directives; ACS and Gerdes Ignition Switches, as Installed in, But Not Limited to, Cessna and Piper Airplanes, and Schweitzer Helicopters

**AGENCY:** Federal Aviation Administration, DOT

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain ACS and Gerdes ignition switches. This proposal would require repetitive inspections and lubrication of certain ignition switches, replacement of worn or corroded switches, and modification of the starter solenoid. This proposal is prompted by numerous reports of ignition switch failures on various aircraft and rotorcraft. The actions specified by the proposed AD are intended to prevent inability to control electrical power supply to the engine.

**DATES:** Comments must be received by December 28, 1992.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–165–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from ACS Products Company, P.O. Box 152, 1585 Copper Drive, Lake Havasu City, Arizona 86403–0008; or Cessna Aircraft Company, Customer Services, P.O. Box 7704, Wichita, Kansas 67277. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

**FOR FURTHER INFORMATION CONTACT:** Roy McKinnon, Aerospace Engineer, Propulsion Branch, ANM–140L, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806–2425; telephone (310) 988–5247; fax (310) 988–5210.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–165–AD." The postcard will be date stamped and returned to the commenter.

### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–165–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

### Discussion

The FAA has received several reports of ACS and Gerdes ignition switches failing on various Cessna and Piper airplanes, and Schweitzer helicopters. These switch failures have manifested themselves in a number of ways: (1) The starter burned out because the ignition switch stuck in the "start" position. (2) The magnetos remained activated after the engine was shutdown. (3) The pilots were unable to shut the engine down. (4) The pilots were unable to determine the actual position of the ignition switch because the key rotated 360 degrees as a result of a loose switch. (5) An operator attempted to turn the propeller manually, with the ignition switch in the "off" position; however, the engine ignited and the propeller struck the operator on the head. Further investigation of these failed switches has indicated signs of wear and corrosion on the ignition switches. Failure of the ignition switch, if not corrected, could result in the inability to control electrical power supply to the engine.

The FAA has reviewed and approved ACS Service Bulletin SB92–01, dated August 15, 1992, and Cessna Service Bulletin SEB91–5, Revision 1, dated June 14, 1991, that describe procedures for repetitive inspections and lubrication of certain ignition switches, replacement of worn or corroded switches, and modification of the starter solenoid. This modification entails the installation of a starter solenoid diode that would decrease electrical arcing on the internal contact surfaces of the ignition switch.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require repetitive inspections and lubrication of certain ignition switches, replacement of worn or corroded switches, and modification of the starter solenoid. The affected switches having a "start" position are identifiable by a manufacturing date prior to February 20, 1989, stamped on the switch body. Switches manufactured on and after February 20, 1989, have been lubricated during the manufacturing process. However, switches with a "start" position that were lubricated by the manfacturer and were operated without a starter solenoid diode must still be inspected and modified. The actions would be required to be accomplished in accordance with the service bulletins described previously.

There are approximately 100,000 Cessna and Piper airplanes and Schweitzer helicopters of the affected design in the worldwide fleet. The FAA estimates that 67,000 airplanes and helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 1.5 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $50.10 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $8,884,200, or $133 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial

number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

## PART 39—AIRWORTHINESS DIRECTIVES

The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

**§ 39.13 [Amended]**

2. Section 39.13 is amended by adding the following new airworthiness directive:

**ACS Products Company and Gerdes Products Company:** Docket 92–NM–165–AD.

*Applicability:* ACS and Gerdes ignition switches; as installed in, but not limited to, Cessna and Piper airplanes, and Schweitzer helicopters; certificated in any category.

*Compliance:* Required as indicated, unless accomplished previously.

To prevent failure of ignition switches, accomplish the following:

(a) Within 100 flight hours after the effective date of this AD, or at the next annual inspection, whichever occurs first, perform an inspection of the ignition switch to detect wear and corrosion, and lubricate the switch, in accordance with ACS Service Bulletin SB92–01, dated August 15, 1992; or Cessna Service Bulletin SEB91–5, Revision 1, June 14, 1991. If wear or corrosion is detected, prior to further flight, replace the switch in accordance with the service bulletin. Repeat this inspection and lubricate the ignition switch in accordance with the service bulletin, thereafter, at intervals not to exceed 2,000 flight hours.

**Note:** ACS ignition switches that do not have a "start" position (models A–510–1 and A–510–5), were manufactured on or after February 20, 1989, and have not accumulated 2,000 flight hours, need not be lubricated. The manufacture date is stamped on the switch body. These switches are identifiable by red paint in the screw heads on the back of the switch. However, manufacturer lubricated switches that have a "start" position, but do not have a starter solenoid diode, must be inspected and modified.

(b) Within 100 flight hours after the effective date of this AD, or at the next annual inspection, whichever occurs first, install a starter solenoid diode in accordance with ACS Service Bulletin SB92–01, dated August 15, 1992; or Cessna Service Bulletin SEB91–5, Revision 1, dated June 14, 1991.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

**Note:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on October 26, 1992.

**James V. Devany,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 92–28418 Filed 10–29–92; 8:45 am]

**BILLING CODE 4910–13–M**

## SECURITIES AND EXCHANGE COMMISSION

**17 CFR Part 240**

**[Release No. 34–31355; File No. S7–34–92]**

**RIN 3235–AF67**

## Early Warning Rule

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Proposed rule amendment.

**SUMMARY:** The Securities and Exchange Commission (the "Commission") proposes to amend Rule 17a–11 and Rule 17a–5 under the Securities Exchange Act of 1934 (the "Exchange Act"). Rule 17a–11 requires a broker-dealer to give notice and transmit supplemental reports to the Commission and other regulatory bodies when its net capital declines below certain specified levels, or in other instances that indicate the existence of financial or operational difficulties. The proposed amendments would, among other things, eliminate the requirement that a broker-dealer submit the supplemental reports now required by Rule 17a–11. The amendments are designed to reduce the regulatory burdens on broker-dealers. During the public comment period, the Division of Market Regulation (the "Division") will issue a no-action letter to the designated examining authorities (the "DEAs") stating that the Division will not recommend any action to the Commission if a DEA waives the requirement to file a Part II or Part IIA of Form X–17A–5 as currently required by paragraphs (a) or (b) of Rule 17a–11.

**DATES:** Comments to be received on or before December 4, 1992.

**ADDRESSES:** Persons wishing to submit written comments should file three copies with Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC, 20549. All comment letters should refer to File No. S7–34–92. All comments received will be available for public inspection and copying in the Commission's Public Reference room, 450 Fifth Street, NW., Washington, DC, 20549.

**FOR FURTHER INFORMATION CONTACT:** Michael A. Macchiaroli, (202) 272–2904, Roger G. Coffin, (202) 272–7375, or Christopher R. Ryan, (202) 272–3881, Division of Market Regulation, 450 Fifth Street, NW., Washington, DC 20549.

**SUPPLEMENTARY INFORMATION:**

### I. Introduction

Section 17(a) of the Exchange Act provides the Commission with the authority to promulgate rules requiring registered broker-dealers to make and transmit such reports that the Commission deems necessary in the public interest or for the protection of inventors. Pursuant to this authority, the Commission adopted Rule 17a–11 (the "Rule" or "Rule 17a–11") in 1971.[1] The primary purpose of the Rule is to provide the Commission with advance warning and information regarding broker-dealers that are experiencing financial or operational difficulty. Rule 17a–11 imposes a duty on broker-dealers to report net capital and other operational problems and to file reports regrading those problems within certain time periods.

### II. Proposed Amendments

*A. Paragraph (a)*

Currently, paragraph (a) of rule 17a–11 requires every broker-dealer whose net

[1] Securities Exchange Act Release No. 9268 (July 30, 1971). The Commission amended Rule 17a–11 in 1975, Securities Exchange Act Release No. 11935 (Dec. 17, 1975), in 1977, Securities Exchange Act Release No. 13462 (Apr. 22, 1977), and again in 1982, Securities Exchange Act Release No. 18417 (Jan. 13, 1982). The 1975 amendments required every broker-dealer to give notice if its net capital was less than 6 percent of its agreegate debit items under the alternative method of calculating net capital. The 1975 amendments also repealed Form X–17A–11, and allowed broker-dealers to file Part II of Form X–17A–5 instead. The 1977 amendments required a broker-dealer to give notice if its total amount of subordinated loans exceeded the maximum allowable amount for a period in excess of 90 days, and permitted broker-dealers to file a Part IIA of Form X–17A–5 instead of Part II of Form X–17A–5.

capital falls below its required minimum level, or whose total outstanding principal amounts of satisfactory subordination agreements exceed allowable levels for more than 90 days, to do two things. First, the broker-dealer must give notice on that same day. Second, the broker-dealer must file part II or Part IIA of Form X–17A–5 [2] ("FOCUS Report") within 24 hours of the notice.

The Commission proposes to eliminate the requirement that broker-dealers file a FOCUS Report after a net capital deficiency. Broker-dealers would remain obligated to transmit notice of a net capital deficiency on the same day of the occurrence; however, unlike the previous rule, the proposed amendments would require the notice to specify the broker-dealer's net capital requirement and its current amount of net capital.[3] This latter requirement will not impose any additional burdens on broker-dealers because broker-dealers are required to constantly monitor their minimum capital requirement and their current amount of net capital in order to insure compliance with the net capital rule. Furthermore, the proposed amendments would require a broker-dealer who has been notified by the Commission or its DEA of a net capital deficiency to give notice of the deficiency, even if the broker-dealer disagrees with the Commission's or the DEA's determination. In such a case, the proposed amendments would permit the broker-dealer to specify the reasons for its disagreement in the notice.

The same-day notice requirement appears to give the Commission and the DEAs adequate early warning of financial or operational problems. After receiving notice of a capital deficiency, the Commission or a DEA will be able to increase its surveillance of a broker-dealer experiencing difficulty and to obtain any additional information necessary to assess the broker-dealer's financial condition.

The proposed amendments would also eliminate the notification requirement for broker-dealers whose total outstanding principal amounts of satisfactory subordination agreements exceed the maximum allowable for a period in excess of 90 days. A broker-dealer is currently required, pursuant to paragraph (c)(2) of Rule 15c3–1d, to give notice to their DEA if, after giving effect to all subordinated loans that are mature or which are scheduled to mature within six months, its net capital declines below the identical levels contained in paragraph (a) of Rule 17a–11. The Commission believes that the notice provided for in Rule 15c3–1d is sufficient to give regulators an early warning of problems involving a broker-dealer's subordinated lending agreements.

*B. Paragraph (b)*

Paragraph (b) of Rule 17a–11 currently requires every broker-dealer whose net capital does not equal or exceed a certain level to file a monthly FOCUS Report for at least three months. The capital level contained in paragraph (b) is higher than the minimum level referred to in paragraph (a), and is referred to as an "early warning level." [4] When a broker-dealer's net capital level is declining, it would first fall within the filing requirements set forth in paragraph (b) of the Rule. If the broker-dealer's capital continued to drop, eventually it would fall below its base minimum capital requirement, and the broker-dealer would be required to comply with the additional FOCUS Report filing and notice requirements of paragraph (a) of the Rule.

The proposed amendments to paragraph (b) of the Rule would eliminate the requirement that a broker-dealer file a FOCUS Report within 15 days after the end of each month for three successive months. In lieu of this requirement, the proposed amendments would require broker-dealers to give notice promptly (but within 24 hours) after the event triggering the filing requirement. The Commission expects that this notice requirement will be sufficient for it to monitor the condition of broker-dealers experiencing financial or operational difficulty. In connection with the proposed amendments, the Commission is authorizing the issuance of a no-action letter by the Division that will, pending the public comment period, permit the DEAs to waiver the requirement to file a FOCUS Report as currently required by paragraphs (a) and (b) of Rule 17a–11.

*C. Paragraphs (b)(3) and (b)(4)*

The Commission is proposing certain other amendments to Rule 17a–11. For example, paragraph (b)(4) of Rule 17a–11 references three existing notice provisions set forth in the net capital rule and requires broker-dealers subject to those provisions to give notice in accordance thereto. However, paragraph (b)(4) of Rule 17a–11 does not reference all of the applicable net capital or customer protection rule notice provisions (such as the requirement to give notice of large withdrawals of capital under paragraph (e) of Rule 15c3–1), and the Commission believes it would be appropriate for the Rule to do so. Accordingly, the Commission is proposing amendments to Rule 17a–11 that refer to five other previously existing notice provisions contained in the net capital rule, the customer protection rule, and Rule 17a–5. These proposals will not add any additional reporting burdens because they would simply reference certain notice sections for clarification purposes and would not, by themselves, create an obligation to report. Additionally, the net capital rule, the customer protection rule and Rule 17a–5 will remain unchanged (with the exception of minor technical revisions to Rule 17a–5 discussed below). Rather, the Rule would be clarified to contain a complete, rather than a partial, listing of the Commission's financial responsibility notice requirements. Additionally, the Commission is proposing that the requirement to give notice of a deficiency of collateral in a specialist or market maker account that is currently contained in paragraph (b)(3) of the Rule be relocated to paragraph (b)(4) of the Rule.

*D. Paragraph (c)*

Paragraph (c) of Rule 17a–11 currently requires every broker-dealer to give notice immediately if it fails to make and keep current its required books and records. In order to clarify the time within which notice must be transmitted under paragraph (c) of the Rule, the proposed amendments would require notice to be provided the same day of the event.

[2] FOCUS Reports contain schedules including the broker-dealer's: Net capital; assets and liabilities; and income and expenses. Generally, Part IIA is filed by broker-dealers that do not clear or carry customer accounts, and those broker-dealers that are subject to the requirements of paragraphs (a)(20 and (a)(3) of Rule 15c3–1. Part II is filed by all other broker-dealers engaged in a general securities business and subject to paragraph (a)(1) of Rule 15c3–1.

[3] Many of the notices received by the Commission contain this information. The Commission believes it would be appropriate, however, to specify the contents of the notice in the Rule to standardize the notices received.

[4] There are three early warning levels. First, a broker-dealer that has elected to compute its net capital under the basic method must give notice if its aggregate indebtedness, as defined in Rule 15c3–1, exceeds 1,200 percent of its net capital. Second, a broker-dealer that computes its net capital under the alternative standard is required to give notice if its net capital falls below 5 percent of its aggregate debit items computed in accordance with the Formula for Determination of Reserve Requirement for Brokers and Dealers under Rule 15c3–3. Third, a broker-dealer that computes its net capital under either standard is required to give notice if its total net capital declines below 120 percent of its minimum requirement. If a broker-dealer falls out of net capital compliance, it must comply with both paragraphs (a) and (b) of Rule 17a–11.

*E. Paragraph (f)*

Paragraph (f) of the Rule (which would be redesignated as paragraph (h) under the proposed amendments) requires broker-dealers to give notice by telegraph and to transmit reports to the principal office of the Commission in Washington, DC, the regional office of the Commission for the region in which the broker-dealer has its principal place of business, and the broker-dealer's DEA. The proposed amendments would specify that notice required by the Rule must be given or transmitted by means of either a facsimile transmission or telegraph. The proposed amendments would also state that the report required by paragraph (c) or paragraph (d) of Rule 17a–11 may be transmitted by overnight delivery. Finally, the Commission is proposing amendments that would reorganize the Rule's structure and make certain technical revisions.[5]

*F. Technical Amendments to Rule 17a–5*

Because the proposed amendments would redesignate the notice requirement currently contained in paragraph (f) of Rule 17a–11 to paragraph (g), certain sections of Rule 17a–5 that refer to paragraph (f) require technical modification. Accordingly, the Commission is proposing revisions to certain sections of Rule 17a–5 that would change the references to paragraph (f) of Rule 17a–11 contained in those sections to paragraph (g).

**III. Request for Comment**

The Commission requests comment on the proposed rule amendments and on whether any other amendments to the Rule are appropriate.

**IV. Summary of Initial Regulatory Flexibility Analysis**

The Commission has prepared an Initial Regulatory Flexibility Analysis ("IRFA") in accordance with 5 U.S.C. 603 concerning the proposed amendments to Rule 17a–11. The analysis notes that the objective of the proposed amendments is to reduce the reporting burdens on broker-dealers by relieving them of the requirement of filing a FOCUS Report after experiencing a net capital deficiency or triggering the early warning levels notice requirements.

As discussed more fully in the analysis, the proposed amendments would affect persons that are small entities, as defined by the Commission's rules. It is expected that the overall effect of the proposed amendments would be to significantly decrease the impact on broker-dealers required to give notice pursuant to Rule 17a–11. As the analysis indicates, several possible significant alternatives to the proposals were considered, none of which were found to be less burdensome than the proposed amendments.

Comments are encouraged on any aspect of the analysis. A copy of the IRFA may be obtained by contacting Christopher R. Ryan, Division of Market Regulation, U.S. Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC, 20549, (202) 272–3881.

**V. Statutory Analysis**

Pursuant to the Securities Exchange Act of 1934 and particularly section 15 thereof, 15 U.S.C. 78o, the Commission proposes to add a new 240.17a–11, to Title 17 of the Code of Federal Regulations in the manner set forth below.

**List of Subjects in 17 CFR Part 240**

Confidential business information, Notification provisions for brokers and dealers, Reporting and recordkeeping requirements, Securities.

**Text of the Proposed Rule**

In accordance with the foregoing, title 17, chapter II of the Code of Federal Regulations is proposed to be amended as follows:

## PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for part 240 continues to read as follows:

**Authority:** 15 U.S.C. § 77c, 77d, 77g, 77j, 77s, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78i, 78j, 78l, 78m, 78n, 78o, 78p, 78s, 78w, 78x, 78ll(d), 79q, 79t, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, and 80b–11, unless otherwise noted.

2. § 240.17a–5 is amended by revising paragraph (c)(2)(iii) and revising the first three sentences of paragraph (h)(2) to read as follows:

**§ 240.17a–5 Reports to be made by certain brokers and dealers.**

* * * * *

(c) * * *

(2) * * *

(iii) If in connection with the most recent annual audit report pursuant to § 240.17a–5, the independent accountant commented on any material inadequacies in accordance with paragraphs (g) and (h) of this section and § 240.17a–11(e), there shall be a statement by the broker or dealer that a copy of such report and comments is currently available for the customer's inspection at the principal office of the Commission in Washington, DC, and the regional office of the Commission for the region in which the broker or dealer has its principal place of business; and

* * * * *

(h) * * *

(2) If, during the course of the audit or interim work, the independent public accountant determines that any material inadequacies exist in the accounting system, internal accounting control, procedures for safeguarding securities, or as otherwise defined in paragraph (g)(3) of this section, then the independent public accountant shall call it to the attention of the chief financial officer of the broker or dealer, who shall have a responsibility to inform the Commission and the designated examining authority by telegraphic or facsimile notice within 24 hours thereafter as set forth in paragraphs (e) and (g) of § 240.17a–11. The broker or dealer shall also furnish the accountant with a copy of said notice to the Commission by telegram or facsimile within said 24 hour period. If the accountant fails to receive such notice from the broker or dealer within said 24 hour period, or if the accountant disagrees with the statements contained in the notice of the broker or dealer, the accountant shall have a responsibility to inform the Commission and the designated examining authority by report of material inadequacy within 24 hours thereafter as set forth in paragraph (g) of § 240.17a–11. * * *

* * * * *

3. By revising § 240.71a–11 to read as follows:

**§ 240.17a–11 Notification provisions for brokers and dealers.**

(a) This section shall apply to every broker or dealer registered with the Commission pursuant to section 15 of the Act.

(b) Every broker or dealer whose net capital declines below the minimum amount required pursuant to § 240.15c3–1 shall give notice of such deficiency that same day in accordance with paragraph (g) of this section. The notice shall specify the broker or dealer's net capital requirement and its current amount of net capital. If a broker or dealer is advised by its designated examining authority or the Commission of a net capital deficiency, and does not agree, the broker or dealer shall give notice of the event, which notice may specify the broker or dealer's reasons for its disagreement.

[5] For example, references in the Rule to "his" would be changed to "its" in order to eliminate any gender-specific language.

(c) Every broker or dealer shall send notice promptly (but within 24 hours) after the occurrence of the events specified in paragraphs (c)(1), (c)(2) or (c)(3) of this section in accordance with paragraph (g) of this section:

(1) If a computation made by a broker or dealer subject to the aggregate indebtedness standard of § 240.15c3–1 shows, at any time during the month, that its aggregate indebtedness is in excess of 1,200 percent of its net capital; or

(2) If a computation made by a broker or dealer pursuant to the alternative standard of § 240.15c3–1 shows, at any time during the month, that its net capital is less than 5 percent of aggregate debit items computed in accordance with § 240.15c3–3a Exhibit A: Formula for Determination of Reserve Requirement for Brokers and Dealers under Rule 15c3–3; or

(3) If a computation made by a broker or dealer pursuant to § 240.15c3–1 shows, at any time during the month, that its total net capital is less than 120 percent of the broker or dealer's required minimum net capital.

(d) Every broker or dealer who fails to make and keep current the books and records required by § 240.17a–3, shall give notice of this fact that same day in accordance with paragraph (g) of this section, specifying the books and records which have not been made or which are not current. The broker or dealer shall also transmit a report in accordance with paragraph (g) of this section within 48 hours of the notice stating what the broker or dealer has done or is doing to correct the situation.

(e) Whenever any broker or dealer discovers, or is notified by an independent public accountant, pursuant to paragraph (h)(2) of § 240.17a–5 of the existence of any material inadequacy as defined in paragraph (g) of § 240.17a–5, the broker or dealer shall:

(1) Give notice, in accordance with paragraph (g) of this section, of the material inadequacy within 24 hours of such discovery or notification; and

(2) Transmit a report in accordance with paragraph (g) of this section within 48 hours of the notice stating what the broker or dealer has done or is doing to correct the situation.

(f) Every national securities exchange or national securities association that learns that a member broker or dealer has failed to send notice or transmit a report required by paragraphs (b), (c), (d), or (e) of this section, shall immediately give notice of such failure in accordance with paragraph (g) of this section.

(g) Every notice or report required to be given or transmitted by this section shall be given or transmitted to the principal office of the Commission in Washington, DC, the regional office of the Commission for the region in which the broker or dealer has its principal place of business, the designated examining authority of which such broker or dealer is a member, and the Commodity Futures Trading Commission if the broker or dealer is registered with such Commission. For the purpose of this section, "notice" shall be given or transmitted by telegraphic notice or facsimile transmission. The report required by paragraphs (d) or (e)(2) of § 240.17a–11 may be transmitted by overnight delivery.

(h) Other notice provisions relating the Commission's financial responsibility or reporting rules are contained in § 240.15c3–1(a)(6)(iv)(B), § 240.15c3–1(a)(6)(v), § 240.15c3–1(a)(7)(iv), § 240.15c3–1(c)(2)(x)(B)(1), § 240.15c3–1(c)(2)(x)(F)(3), § 240.15c3–1(e), § 240.15c3–1d(c)(2), § 240.15c3–3(i) and § 240.17a–5(h)(2).

Dated: October 26, 1992.

By the Commission.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 92–26383 Filed 10–29–92; 8:45 am]

BILLING CODE 8010–01–M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[FRL 4528–6]

### Kentucky: Schedule of Compliance for Modification of Kentucky's Hazardous Waste Program

**AGENCY:** Environmental Protection Agency, Region IV.

**ACTION:** Notice of Kentucky's compliance schedule to adopt program modifications.

**SUMMARY:** On September 22, 1986, EPA promulgated amendments to the deadlines for State program modifications, and published requirements for States to be placed on a compliance schedule to adopt the necessary program modifications. EPA is today publishing a compliance schedule for Kentucky to modify its program to adopt the Federal program modifications.

**FOR FURTHER INFORMATION CONTACT:** Narindar Kumar, USEPA, Region IV, 345 Courtland Street, Atlanta, Georgia 30365, (404) 347–2234.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

Final authorization to implement the Federal hazardous waste program within the State is granted by EPA if the Agency finds that the State program (1) is "equivalent" to the Federal program, (2) is "consistent" with the Federal program and other State programs, and (3) provides for adequate enforcement (section 3006(b), 42 U.S.C. 6226(b)). EPA regulations for final authorization appear at 40 CFR parts 271.1–271.24. In order to retain authorization, a State must revise its program to adopt new Federal requirements by the cluster deadlines specified in 40 CFR 271.21. See 51 FR 33712, September 22, 1986, for a complete discussion of these procedures and deadlines.

**B. Kentucky**

Kentucky initially received final authorization for the RCRA Base Program on January 31, 1985. (50 FR 2530, January 17, 1985). Kentucky received final authorization for Radioactive Mixed Waste equivalence on December 19, 1989 (53 FR 41164). Kentucky received final authorization for federal regulations promulgated between July 1, 1985 and June 30, 1986, known as non-HSWA Cluster II on March 30, 1989 (54 FR 1940, January 18, 1989). Kentucky received final authorization for the requirements prior to non-HSWA Cluster I, non-HSWA Cluster III and Availability of Information on May 15, 1989 (54 FR 20849, March 16, 1989). Today EPA is publishing a compliance schedule for Kentucky to obtain program revisions for the federal program requirements promulgated between July 1, 1989 and June 30, 1990, known as non-HSWA Cluster VI, and for federal regulations promulgated between July 1, 1987 and June 30, 1990, known as HSWA Cluster II.

The State has agreed to obtain the needed program revisions according to the following schedule:

| Action | Milestone |
|---|---|
| Regulations drafted and submitted to Kentucky Department of Law for review and development of the Commissioner of Law's statement | 9/15/92 |
| Draft regulations and Statement from Commissioner of Law submitted to EPA. Reg drafts submitted to Kentucky Environmental Quality Commission | 10/15/92 |
| Regulation drafts filed with Kentucky Legislative Research Commission as proposed regulation changes | 11/13/92 |
| Proposal published in Kentucky Administrative Register | 12/1/92 |

| Action | Milestone |
|---|---|
| Public hearing and close of public comment period | 12/30/92 |
| Comments due from EPA | 12/30/92 |
| Statement of Consideration responding to comments | 1/14/93 |
| Proposed regulation republished in Kentucky Administrative Register | 2/1/93 |
| Review by Administrative Regulations Review Subcommittee | 2/3/93 |
| Review by Subcommittee on Agriculture and Natural Resources, and effective date of regulations | 3/25/93 |
| Final authorization application submitted to EPA | 5/1/93 |

Kentucky expects to submit an application to EPA for authorization of the above-mentioned program revisions by May 1, 1993.

**Authority:** This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the RCRA of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(B).

**Patrick M. Tobin,**

*Acting Regional Administrator.*

[FR Doc. 92-26401 Filed 10-29-92; 8:45 am]

BILLING CODE 6560-50-M

## DEPARTMENT OF LABOR

### Office of Federal Contract Compliance Programs

### 41 CFR Part 60-741

**RIN 1215-AA76**

### Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals With Disabilities

**AGENCY:** Office of Federal Contract Compliance Programs, Labor.

**ACTION:** Correction to notice of proposed rulemaking.

**SUMMARY:** This document contains corrections to the notice of proposed rulemaking that was published on Wednesday, October 21, 1992 (57 FR 48084). The proposed regulations related to section 503 of the Rehabilitation Act of 1973, as amended, which requires Government contractors and subcontractors to take affirmative action to employ and advance in employment qualified individuals with handicaps.

**FOR FURTHER INFORMATION CONTACT:** Annie A. Blackwell, Director, Division of Policy, Planning and Program Development, Office of Federal Contract Compliance Programs (202) 219-9430 (voice) (not a toll-free call), 1-800-326-2577 (TDD).

**SUPPLEMENTARY INFORMATION:**

**Background**

The proposed rule that is the subject of these corrections would revise the current regulations implementing section 503 of the Rehabilitation Act of 1973, as amended (section 503). Section 503 requires Government contractors and subcontractors to take affirmative action to employ and advance in employment qualified individuals and handicaps.

**Correction of Publication**

Accordingly, the publication on October 21, 1992, of the proposed regulations which were the subject of FR Doc. 92-25172, is corrected as follows:

*Preamble [Corrected]*

**Paragraph 1.** On page 48092, in the first column, line four of the column, "*Washington Metropolitan Transit*" is corrected to read "*Washington Metropolitan Area Transit*".

**Para. 2.** On page 48092, in the third column, in the last paragraph, line four, "subject B" is corrected to read "subpart C".

**Para. 3.** On page 48093, in the third column, line four of the column, "see 57 16961" is corrected to read "see 57 FR 16961".

**Para. 4.** On page 48093, in the third column, in paragraph (6), the second sentence beginning with the word "Proposed" is corrected to be set out as a separate paragraph.

**Para. 5.** On page 48094, in the second column, under "Section 60-741.5 Equal Opportunity Clause," in the second paragraph, 11th line, "my simply citing to § 60-741.5" is corrected to read "by simply citing to § 60-741.5(a)".

**Para. 6.** On page 48097, in the first column, second line in the column, "Paragraph" is corrected to read "Paragraphs".

**Para. 7.** On page 48099, in the second column, in the third paragraph, line two, "§ 60-741,6(i)(3)" is corrected to read "§ 60-741.6(i)(3)".

**Para. 8.** On page 48100, in the first column, in the first indented paragraph, line five, "OFCCS's" is corrected to read "OFCCP's".

**Para. 9.** On page 48100, in the first column, in the heading preceding the last indented paragraph, "*Section 60-741,61*" is corrected to read "*Section 60-741.61*".

**Para. 10.** On page 48101, in the first column, beginning in the third line of the column, the words "the procedure would interfere with OFCCP's processing of joint section 503/ADA complaints" are removed.

**Para. 11.** On page 48106, in the first column, the first line in the column, "The second paragraph" is corrected to read "Paragraph 2".

**Para. 12.** On page 48106, in the first column, in the first indented paragraph, 8 lines from the bottom of the paragraph, "in the next to last paragraph" is corrected to read "in paragraph 11".

**§ 60-741.1 [Corrected]**

**Paragraph 1.** On page 48107, in the third column, § 60-741.1, paragraph (c)(1), the last sentence, "(29 CFR Part 1630" is corrected to read "29 CFR part 1630".

**§ 60-741.5 [Corrected]**

**Paragraph 1.** On page 48111, in the third column, in § 60-741.5, paragraph (d), the last sentence, "41 CFR part 60-741" is corrected to read "41 CFR 60-741.5(a)".

Signed at Washington, DC, this 27th day of October, 1992.

**Lynn Martin,**

*Secretary of Labor.*

[FR Doc. 92-26404 Filed 10-30-92; 8:45 am]

BILLING CODE 4510-27-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[MM Docket No. 92-241; RM-8084]**

### Radio Broadcasting Services; Camas, WA and Seaside, OR

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition by Pacific Northwest Broadcasting proposing the substitution of Channel 234C2 for Channel 234C3 at Camas, Washington, and the modification of Station KMUZ-FM's construction permit accordingly. The petitioner also seeks the modification of the construction permit of Station KQEM(FM) to specify operation on Channel 235A in lieu of Channel 234A at Seaside, Oregon. Channel 234C2 can be allotted to Camas in compliance with the Commission's minimum distance separation requirements at the petitioner's requested site with a site restriction of 28.7 kilometers (17.8 miles) east. The coordinates for Channel 234C2 at Camas are North Latitude 45-32-20 and West Longitude 122-02-24. *See* Supplementary Information, *infra*.

**DATES:** Comments must be filed on or before December 18, 1992, and reply comments on or before January 4, 1993.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the following: Louise Cybulski, Pepper & Corazzini, 200 Montgomery Building, 1776 K Street, NW., Washington, DC 20006 (Petitioner); Kenneth S. Eiler, P.O. Box 53, Seaside, Oregon (Permittee of Station KQEM(FM)); and Lee W. Shubert, Esq., Haley, Bader and Potts, 2000 M Street, NW., suite 600, Washington, DC 20036 (Counsel for Monte Corporation).

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 634–6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making and Order to Show Cause, MM Docket No. 92–241, adopted September 28, 1992, and released October 26, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1990 M Street, NW., suite 640, Washington, DC 20036.

Channel 235A can be allotted to Seaside in compliance with the Commission's minimum distance separation requirements at Station KQEM(FM)'s authorized site with a site restriction of 2.1 kilometers (1.3 miles) south. The coordinates for Channel 235A at Seaside are North Latitude 45–58–55 and West Longitude 123–55–02. Since Camas and Seaside are located within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence has been requested.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

**Michael C. Ruger,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 92–26344 Filed 10–29–92; 8:45 am]

BILLING CODE 6712–01–M

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**47 CFR Part 73**

**[MM Docket No. 92–239, RM–8089]**

## Radio Broadcasting Services; Cusseta, GA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition by Chattahoochee County Broadcasting requesting the allotment of Channel 279A as that community's first local FM service. The proposed coordinates are North Latitude 32–18–18 and West Longitude 84–46–30.

**DATES:** Comments must be filed on or before December 18, 1992, and reply comments on or before January 4, 1993.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Timothy K. Brady, P.O. Box 986, Brentwood, TN 37027–0986 (Attorney for Chattahoochee County Broadcasting).

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Walls, Mass Media Bureau, (202) 634–6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 92–239, adopted September 28, 1992, and released October 26, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1990 M Street, NW., suite 640, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

**Michael C. Ruger,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 92–26345 Filed 10–29–92; 8:45 am]

BILLING CODE 6712–01–M

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**47 CFR Part 73**

**[MM Docket No. 92–242; RM–8087]**

## Radio Broadcasting Services; Leavenworth, WA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition by Ron Murray, d/b/a Murray Broadcasting, proposing the allotment of Channel 249A at Leavenworth, Washington, as its first local aural transmission service. Channel 249A can be allotted to Leavenworth in compliance with the Commission's minimum distance separation requirements with a site restriction of 1.2 kilometers (0.7 miles) east. The coordinates for Channel 249A at Leavenworth are North Latitude 47–35–32 and West Longitude 120–38–35. Since Leavenworth is located within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence has been requested.

**DATES:** Comments must be filed on or before December 18, 1992, and reply comments on or before January 4, 1993.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Ron Murray, Murray Broadcasting, P.O. Box 288, Leavenworth, Washington 98826 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 634–6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rulemaking, MM Docket No. 92–242, adopted September 28, 1992, and

released October 26, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Docket Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1990 M Street, NW., suite 640, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rulemaking is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

**Michael C. Ruger,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 92–26352 Filed 10–29–92; 8:45 am]

BILLING CODE 6712–01–M

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**47 CFR Part 73**

**[MM Docket No. 92–240; RM–8085]**

## Radio Broadcasting Services; Yakima, WA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition by KZTA Broadcasting, Inc., proposing the substitution of Channel 259C3 for Channel 257A at Yakima, Washington, and the modification of Station KZTA–FM's license accordingly. Channel 259C3 can be allotted to Yakima in compliance with the Commission's minimum distance separation requirements at petitioner's requested site with a site restriction of 16 kilometers (9.9 miles) southeast to avoid a short-spacing to Station KISW, Channel 260C, Seattle, Washington. The coordinates for Channel 259C3 at Yakima are North Latitude 46–31–20 and West Longitude 120–19–59. In accordance with § 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest in the use of Channel 259C3 at Yakima or require the petitioner to demonstrate the availability of an additional equivalent class channel. Since Yakima is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence by the Canadian government has been requested.

**DATES:** Comments must be filed on or before December 18, 1992, and reply comments on or before January 4, 1993.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Dennis J. Kelly, Esq., Cordon and Kelly, Post Office Box 6648, Annapolis, Maryland 21401 (Counsel for Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 634–6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 92–240, adopted September 28, 1992, and released October 26, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1990 M Street, NW., suite 640, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Federal Communications Commission.

**Michael C. Ruger,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 92–26353 Filed 10–29–92; 8:45 am]

BILLING CODE 6712–01–M

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**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 571**

**[Docket No. 92–59; Notice 1]**

**RIN–2127–AE58**

## Federal Motor Vehicle Safety Standards; Brake Hoses and Motor Vehicle Brake Fluids

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to amend Federal Motor Vehicle Safety Standards No. 106, *Brake hoses*, and No. 116, *Motor vehicle brake fluids* in response to a petition for rulemaking submitted by the Society of Automotive Engineers (SAE). The notice proposes that the standards specify a new referee material to be used in the compatibility testing of brake hoses and brake fluids. At present, these standards reference the referee material identified as RM–66–03. However, because this referee material will become commercially unavailable, the agency believes that it is necessary to amend the standards to specify the new referee material being developed by the SAE.

**DATES:** *Comments:* Comments must be received on or before December 14, 1992.

*Effective Date:* NHTSA is proposing that the rule become effective on January 1, 1995. Optional compliance would be permitted effective 30 days after publication of the final rule in the **Federal Register**.

**ADDRESSES:** Comments should refer to the docket and notice numbers set forth above and be submitted to the Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW., Washington, DC 20590. Docket hours are from 9:30 a.m. to 4:00 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366–5274.

**SUPPLEMENTARY INFORMATION:** Federal Motor Vehicle Safety Standards No. 106, *Brake hoses*, and No. 116, *Motor vehicle brake fluids*, specify performance requirements for brake hoses and motor vehicle brake fluid. Included in the performance requirements for Standard No. 106 is a brake fluid compatibility

test, and included in Standard No. 116 are compatibility and chemical stability tests. The procedures for the compatibility and chemical stability tests currently reference the referee material brake fluid specified by the Society of Automotive Engineers (SAE) in J1703.

Brake fluid compatibility is considered an important factor in establishing brake hose life and strength characteristics. Standard No. 106's compatibility test measures hydraulic brake hose compatibility with brake fluid. The brake hose that is being tested is filled with the SAE Compatibility Fluid for a specified number of hours at specified temperatures, and then is subjected to constriction and burst strength tests. The current compatibility fluid—RM–66–03 Compatibility Fluid (i.e., "RM–66–03")—is referenced in the test procedures for the standard's brake fluid compatibility test.

Standard No. 116's compatibility requirements determine the compatibility of brake fluid used in motor vehicles with a referee material. The SAE compatibility fluid that is used in these tests as a referee material should be representative of the fluids found in a braking system in service. The tests measure the compatibility of fluids of different chemical bases by checking whether there are undesirable chemical interactions resulting from the mixture of fluids. Section S6.10 determines the compatibility of a brake fluid with other brake fluids. This section currently references RM–66–03 fluid as the referee material used in the test procedure.

The current compatibility fluid, RM–66–03, is a blend of four proprietary, commercial brake fluids: Dow HD50–4, Delco Supreme II, Dow 455, and Olin HDS–79. However, because one of these fluids is no longer available and a second one will soon be removed from the market, this compatibility fluid will no longer be available after January 1, 1994. At that time, the SAE plans to replace it with a new referee material, identified as RM–66–04.

As part of its functions, SAE promulgates recommended practices about motor vehicles and motor vehicle equipment. SAE also develops, blends, packages, and distributes referee material fluids for use by NHTSA and others who need to test and certify that hydraulic brake hoses and fluids meet the requirements in Standard No. 106 and 116. SAE has notified the International Organization for Standards (ISO) that RM–66–03 will no longer be available, as of January 1, 1994.

On December 27, 1991, SAE petitioned the agency to amend portions of Standard No. 106 and Standard No. 116 to specify a new referee material in place of the currently used, but soon to be replaced, referee material fluid. Given that the RM–66–03 blend will no longer be available, SAE has developed a fluid to serve as a replacement referee material. It was developed specifically for the SAE J1703 *Motor Vehicle Brake Fluid* Standard. The new referee material, designated RM–66–04, consists of four American, one Asian and one European fluid, blended equally by volume.

After reviewing the petition, NHTSA has decided to propose amending Standard Nos. 106 and 116 to specify the use of RM–66–04 referee material in place of the soon-to-be outdated RM–66–03 fluid. The agency believes that it is necessary to amend the standard to reflect the upcoming unavailability of the current referee material and SAE's development of a new referee material. The agency further believes that the new referee material would be more representative of fluids that will be in service. The agency notes that this proposal is consistent with international harmonization given that ISO also is proposing to use the new referee material.

NHTSA proposes that the amendments become effective on January 1, 1995. The current referee material, RM–66–03, will no longer be available after January 1, 1994. The additional year is allowed so that existing stocks of the RM 66–03 fluid can be depleted. Optional compliance with the amendment would be permitted 30 days after the final rule's publication. The agency requests comments about whether these effective dates are appropriate.

This proposal would not have any retroactive effect. Under section 103(d) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392(d)), whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Section 105 of the Act (15 U.S.C. 1394) sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

## Rulemaking Analyses and Notices

### Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures

The agency has considered the costs and other impacts of this proposal and determined that the proposal is neither "major" within the meaning of Executive Order 12291 nor "significant" within the meaning of the Department of Transportation's regulatory procedures. The proposed requirement would only have a minimal cost impact on manufacturers and users of brake fluids because one referee material will merely replace another referee material. No change is expected in the cost of the new referee material. Currently, RM 66–03 fluid is sold at $8.00 per quart. The agency anticipates that RM 66–04 fluid would be sold at the same price.

### *Regulatory Flexibility Act*

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small entities. Based upon this evaluation, I certify that the proposed amendments would not have a significant economic impact on a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. The proposed requirements would only specify that manufacturers of brake fluid are to substitute one type of referee material for another type of referee material. Therefore, there should be no cost impacts that would affect the purchase price of brake hoses or brake fluid. Thus, neither manufacturers of motor vehicles, nor small businesses, small organizations, and small governmental units which purchase motor vehicles, would be significantly affected by the amendment.

### *National Environmental Policy Act*

The agency has also considered the environmental implications of this proposed rule in accordance with the National Environmental Policy Act of 1969 and determined that the proposed rule would not significantly affect the human environment.

### *Executive Order 12612 on Federalism*

Finally, this proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. It has been determined that the proposed rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. No state laws would be affected.

*Comments:* Interested persons are invited to submit comments on the

proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation, 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

**List of Subjects in 49 CFR Part 571**

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

## PART 571—[AMENDED]

In consideration of the foregoing, 49 CFR part 571 would be amended as follows.

1. The authority citation for part 571 would continue to read as follows:

**Authority:** 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

**§ 571.106 [Amended]**

2. In § 571.106, Standard No. 106, S5.3.9 would be revised to read as follows:

*S5.3.9 Brake fluid compatibility, constriction, and burst strength.* Except for brake hose assemblies designed for use with mineral or petroleum-based brake fluids, a hydraulic brake hose assembly shall meet the constriction requirement of S5.3.1 after having been subjected to a temperature of 200° F for 70 hours while filled with SAE RM–66–04 Compatibility Fluid, as described in Appendix [To Be Specified] of SAE Standard J1703 [Date To Be Specified]; "Motor Vehicle Brake Fluid," [Date To Be Specified] (S6.7). It shall then withstand water pressure of 4,000 psi for 2 minutes and thereafter shall not rupture at less than 5,000 psi (S6.2). (SAE RM–66–03 Compatibility Fluid, as described in Appendix A of SAE Standard J1703 Nov83, "Motor Vehicle Brake Fluid," November 1983, may be used in place of SAE RM–66–04 until January 1, 1995.)

3. In Standard No. 106, S6.7.1(a) would be revised to read as follows:

**S6.7.1 Preparation**

(a) Attach a hose assembly below a 1-pint reservoir filled with 100 ml of SAE RM–66–04 Compatibility Fluid as shown in Figure 2. (SAE RM–66–03 Compatibility Fluid, as described in Appendix A of SAE Standard J1703 Nov83, "Motor Vehicle Brake Fluid," November 1983, may be used in place of SAE RM–66–04 until January 1, 1995.)

**§ 571.116 [Amended]**

4. In § 571.116, Standard No. 116, S6.5.4 through S6.5.4.3 would be revised to read as follows:

**S6.5.4 Chemical stability.**

**S6.5.4.1 Materials.**

SAE RM–66–04 Compatibility Fluid as described in Appendix [To Be Specified] of SAE Standard J1703 [Date To Be Specified], "Motor Vehicle Brake Fluid," [Date To Be Specified] . (SAE RM–66–03 Compatibility Fluid as described in Appendix A of SAE Standard J1703 Nov83, "Motor Vehicle Brake Fluid," November 1983, may be used in place of SAE RM–66–04 until January 1, 1995.)

**S6.5.4.2 Procedure.**

(a) Mix 30 ±1 ml. of the brake fluid with 30 ± 1 ml. of SAE RM–66–04 Compatibility Fluid in a boiling point flask (S6.1.2(a)). Determine the initial ERBP of the mixture by applying heat to the flask so that the fluid is refluxing in 10 ± 2 minutes at a rate in excess of 1 drop per second, but not more than 5 drops per second. Note the maximum fluid temperature observed during the first minute after the fluid begins refluxing at a rate in excess of 1 drop per second. Over the next 15 ± 1 minutes, adjust and maintain the reflux rate at 1 to 2 drops per second. Maintain this rate for an additional 2 minutes, recording the average value of four temperature readings taken at 30 second intervals as the final ERBP.

(b) Thermometer and barometric corrections are not required.

**S6.5.4.3 Calculation.**

The difference between the initial ERBP and the final average temperature is the change in temperature of the refluxing mixture. Average the results of the duplicates to the nearest 0.5° C (1.0 °F).

4. In Standard No. 116, S6.10.1 would be revised to read as follows:

**S6.10.1 Summary of the procedure.**

Brake fluid is mixed with an equal volume of SAE RM–66–04 Compatibility Fluid, then tested in the same way as for water tolerance (S6.9) except that the bubble flow time is not measured. This test is an indication of the compatibility of the test fluid with other motor vehicle brake fluids at both high and low temperatures.

5. In Standard No. 116, S6.10.2 would be revised to read as follows:

**S6.10.2 Apparatus and materials.**

(a) Centrifuge tube. See S7.5.1(a).
(b) Centrifuge. See S7.5.1(b).
(c) Cold Chamber. See S6.7.2(b)
(d) Oven. See S6.9.2(d)
(e) SAE RM–66–04 Compatibility Fluid. As described in Appendix [To Be Specified] of SAE Standard J1703 [Date To Be Specified], "Motor Vehicle Brake Fluid," [Date To Be Specified]. (SAE *RM–66–03* Compatibility Fluid as described in Appendix A of SAE Standard J1703 Nov83, "Motor Vehicle Brake Fluid," November 1983, may be used in place on SAE RM–66–04 until January 1, 1995.)

6. In Standard No. 116, S6.10.3(a) would be revised to read as follows:

**S6.10.3 Procedure.**

(a) At low temperature.

Mix 50 ± 0.5 ml. of the brake fluid with 50 ± 0.5 ml. of SAE RM–66–04 Compatibility Fluid. Pour this mixture into a centrifuge tube and stopper with a clean dry cork. Place tube in the cold chamber maintained at minus 40° ± 2 °C (minus 40° ± 3.6 °F). After 24 ± 2 hours, remove tube, quickly wipe with a clean lint-free cloth saturated with ethanol (isopropanol when testing DOT 5 fluids) or acetone. Examine the test

specimen for evidence of sludging, sedimentation, or crystallization. Test fluids, except DOT 5 SBBF, shall be examined for stratification.

7. In Standard No. 116, S7.2 would be revised to read as follows:

**S7.2 Water content of motor vehicle brake fluids.**

Use analytical methods based on ASTM D1123–59, "Standard Method of Test for Water in Concentrated Engine Antifreezes by the Iodine Reagent Method," for determining the water content of brake fluids, or other methods of analysis yielding comparable results. To be acceptable for use, such other method must measure the weight of water added to samples of the SAE RM–66–04 and TEGME Compatibility Fluids within ± 15 percent of the water added for additions up to 0.8 percent by weight, and within ± 5 percent of the water added for additions greater than 0.8 percent by weight. The SAE RM–66–04 Compatibility Fluid used to prepare the samples must have an original ERBP of not less than 205 °C (401°F) when tested in accordance with S6.1. The SAE TEGME fluid used to prepare the samples must have an original ERBP of not less than 240 °C (464 °F) when tested in accordance with S6.1.

Issued on October 26, 1992.

Barry Felrice,

*Associate Administrator for Rulemaking.*

[FR Doc. 92–26312 Filed 10–29–92; 8:45 am]

BILLING CODE 4910–59–M

# Notices

Federal Register
Vol. 57, No. 211
Friday, October 30, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Federal Grain Inspection Service

### Request for Applications from Persons Interested in Designation to Provide Official Services in the Geographic Areas Presently Assigned to the Central Illinois (IL) and Plainview (TX) Agencies

**AGENCY:** Federal Grain Inspection Service (FGIS).

**ACTION:** Notice.

**SUMMARY:** The United States Grain Standards Act, as amended (Act), provides that official agency designations shall end not later than triennially and may be renewed. The designations of Central Illinois Grain Inspection, Inc. (Central Illinois), and Plainview Grain Inspection and Weighing Service, Inc. (Plainview), will end May 31, 1993, according to the Act, and FGIS is asking persons interested in providing official services in the specified geographic areas to submit an application for designation.

**DATES:** Applications must be postmarked or sent by telecopier (FAX) on or before November 30, 1992.

**ADDRESSES:** Applications must be submitted to Homer E. Dunn, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454. Telecopier (FAX) users may send their application to the automatic telecopier machine at 202–720–1015, attention: Homer E. Dunn. If an application is submitted by telecopier, FGIS reserves the right to request an original application. All applications will be made available for public inspection at this address located at 1400 Independence Avenue, S.W., during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Homer E. Dunn, telephone 202–720–8525.

**SUPPLEMENTARY INFORMATION:**

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act authorizes FGIS' Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services.

FGIS designated Central Illinois, headquartered in Bloomington, Illinois, and Plainview, headquartered in Plainview, Texas, to provide official grain inspection services under the Act on June 1, 1990.

Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in section 7(f) of the Act. The designations of Central Illinois and Plainview end on May 31, 1993.

The geographic area presently assigned to Central Illinois, in the State of Illinois, pursuant to section 7(f)(2) of the Act, which will be assigned to the applicant selected for designation is as follows:

Bounded on the North by State Route 18 east to U.S. Route 51; U.S. Route 51 south to State Route 17; State Route 17 east to Livingston County; the Livingston County line east to the Southern Pacific Railroad line;

Bounded on the East along the Southern Pacific Railroad line southwest to Pontiac, which intersects with a straight line running north and south through Arrowsmith to the southern McLean County line;

Bounded on the South by the southern McLean County line; the eastern Logan County line south to State Route 10; State Route 10 west to the Logan County line; the western Logan County line; the southern Tazewell County line; and

Bounded on the West by the western Tazewell County line; the western Peoria County line north to Interstate 74; Interstate 74 southeast to State Route 116; State Route 116 north to State Route 26; State Route 26 north to State Route 18.

The following location, outside of the above contiguous geographic area, is part of this geographic area assignment: Bunge Corporation, Pontiac, Livingston County (located inside Gibson City Grain Inspection Department's area).

Exceptions to Central Illinois' assigned geographic area are the following locations inside Central Illinois' area which have been and will continue to be serviced by the following official agencies:

1. Gibson City Grain Inspection Department: Farm Service, Arrowsmith, McLean County; and

2. Springfield Grain Inspection, Inc.: East Lincoln Farmers Grain Co., Lincoln, Logan County.

The geographic area presently assigned to Plainview, in the State of Texas, pursuant to section 7(f)(2) of the Act, which will be assigned to the applicant selected for designation is as follows:

Bounded on the North by the northern Deaf Smith County line east to U.S. Route 385; U.S. Route 385 south to FM 1062; FM 1062 east to State Route 217; State Route 217 east to Prairie Dog Town Fork of the Red River; Prairie Dog Town Fork of the Red River southeast to the Briscoe County line; the northern Briscoe County line; the northern Hall County line east to U.S. Route 287;

Bounded on the East by U.S. Route 287 southeast to the eastern Hall County line; the eastern and southern Hall County lines; the eastern Motley County line;

Bounded on the South by the southern Motley and Floyd County lines; the western Floyd County line north to FM 37; FM 37 west to FM 400; FM 400 north to FM 1914; FM 1914 west, including Hale Center, to FM 179; FM 179 south to FM 37; FM 37 west to U.S. Route 84; U.S. Route 84 northwest to FM 303; and

Bounded on the West by FM 303, not including Sudan, north to U.S. Route 70; U.S. Route 70 west to the Lamb County line; the western and northern Lamb County lines; the western Castro County line; the southern Deaf Smith County line west to State Route 214; State Route 214 north to the northern Deaf Smith County line.

Interested persons, including Central Illinois and Plainview, are hereby given the opportunity to apply for designation to provide official services in the geographic areas specified above under the provisions of section 7(f) of the Act and § 800.196(d) of the regulations issued thereunder. Designation in the specified geographic areas is for the

period beginning June 1, 1993, and ending May 31, 1996. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated.

**AUTHORITY:** Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: October 21, 1992

**J. T. Abshier,**

*Director, Compliance Division.*

[FR Doc. 92–26302 Filed 10–29–92; 8:45 am]

BILLING CODE 3410–EN–F

## Request for Comments on the Applicant for Designation in the Geographic Area Currently Assigned to the Columbus (OH) Agency

**AGENCY:** Federal Grain Inspection Service (FGIS).

**ACTION:** Notice.

**SUMMARY:** FGIS requests interested persons to submit comments on the applicant for designation to provide official services in the geographic area currently assigned to Columbus Grain Inspection, Inc. (Columbus).

**DATES:** Comments must be postmarked, or sent by telecopier (FAX) or electronic mail by November 30, 1992.

**ADDRESSES:** Comments must be submitted in writing to Homer E. Dunn, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454. SprintMail users may respond to [A:ATTMAIL,O:USDA,ID:A36HDUNN]. ATTMAIL and FTS2000MAIL users may respond to !A36HDUNN. Telecopier (FAX) users may send responses to the automatic telecopier machine at 202–720–1015, attention: Homer E. Dunn. All comments received will be made available for public inspection at the above address located at 1400 Independence Avenue, S.W., during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Homer E. Dunn, telephone 202–720–8525.

**SUPPLEMENTARY INFORMATION:**

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the September 2, 1992, **Federal Register** (57 FR 40170), FGIS asked persons interested in providing official services in the geographic area assigned to Columbus to submit an application for designation. Applications were due by September 30, 1992. Columbus, the only applicant, applied for designation in the entire area currently assigned to them.

FGIS is publishing this notice to provide interested persons the opportunity to present comments concerning the applicant for designation in the Columbus area. Commenters are encouraged to submit reasons and pertinent data for support or objection to the designation of this agency. All comments must be submitted to the Compliance Division at the above address.

Comments and other available information will be considered in making a final decision. FGIS will publish notice of the final decision in the **Federal Register**, and FGIS will send the applicant written notification of the decision.

**AUTHORITY:** Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: October 21, 1992

**J. T. Abshier**

*Director, Compliance Division*

[FR Doc. 92–26306 Filed 10–29–92; 8:45 am]

BILLING CODE 3410–EN–F

## Request for Comments on the Applicants for Designation in the Geographic Area Formerly Assigned to the Alva (OK) Agency

**AGENCY:** Federal Grain Inspection Service (FGIS).

**ACTION:** Notice.

**SUMMARY:** FGIS requests interested persons to submit comments on the applicants for designation to provide official services in the geographic area formerly assigned to Thomas Oller dba Alva Grain Inspection Department (Alva).

**DATES:** Comments must be postmarked, or sent by telecopier (FAX) or electronic mail by November 30, 1992.

**ADDRESSES:** Comments must be submitted in writing to Homer E. Dunn, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454. SprintMail users may respond to [A:ATTMAIL,O:USDA,ID:A36HDUNN]. ATTMAIL and FTS2000MAIL users may respond to !A36HDUNN. Telecopier (FAX) users may send responses to the automatic telecopier machine at 202–720–1015, attention: Homer E. Dunn. All comments received will be made available for public inspection at the above address located at 1400 Independence Avenue, S.W., during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Homer E. Dunn, telephone 202–720–8525.

**SUPPLEMENTARY INFORMATION:**

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the July 30, 1992, **Federal Register** (57 FR 33717), FGIS cancelled Alva's designation, at their request, due to a decline in requests for official inspection services. FGIS also requested comments on the need for official services in the geographic area formerly assigned to Alva, and requested persons interested in providing official services in this geographic area to submit an application for designation. The deadline for applications and comments was August 31, 1992.

There were two applicants, both currently designated official agencies: Amarillo Grain Exchange, Inc. (Amarillo), and Enid Grain Inspection Company, Inc. (Enid). Amarillo applied for the Counties of Beckham, Ellis, Harper, and Roger Mills, in addition to the area they are already designated to serve. These Counties are adjacent to their currently assigned geographic area. Enid applied for the entire Alva area in addition to the area they are already designated to serve. Enid is adjacent to the Alva geographic area, and would accept a portion of the area.

FGIS received one comment from a grain firm requesting that official services be provided in the Alva area. Persons wishing to obtain official inspection services in the Alva geographic area should contact FGIS' Wichita Field Office at 316–269–7171 (FAX: 316–269–6163).

FGIS is publishing this notice to provide interested persons the opportunity to present comments concerning the applicants for designation. Commenters are encouraged to submit reasons and pertinent data for support or objection to the designation of these applicants. All comments must be submitted to the Compliance Division at the above address.

Comments and other available information will be considered in making a final decision. FGIS will publish notice of the final decision in the **Federal Register**, and FGIS will send the applicants written notification of the decision.

**AUTHORITY:** Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: October 21, 1992

**J. T. Abshier**

*Director, Compliance Division*

[FR Doc. 92–26305 Filed 10–29–92; 8:45 am]

**BILLING CODE 3410–EN–F**

## Designation of the Amarillo (TX) Agency and the State of Wisconsin (WI)

**AGENCY:** Federal Grain Inspection Service (FGIS).

**ACTION:** Notice.

**SUMMARY:** FGIS announces the designation of the Amarillo Grain Exchange, Inc. (Amarillo), to provide official inspection services, and the Wisconsin Department of Agriculture, Trade and Consumer Protection (Wisconsin) to provide official inspection and Class X or Class Y weighing services under the United States Grain Standards Act, as amended (Act).

**EFFECTIVE DATE:** December 1, 1992.

**ADDRESSES:** Homer E. Dunn, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454.

**FOR FURTHER INFORMATION CONTACT:** Homer E. Dunn, telephone 202–720–8525.

**SUPPLEMENTARY INFORMATION:**

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the June 1, 1992, **Federal Register** (57 FR 23075), FGIS announced that the designations of Amarillo and Wisconsin end on November 30, 1992, and asked persons interested in providing official services within the specified geographic areas to submit an application for designation. Applications were due by July 1, 1992.

Amarillo applied for the entire geographic area currently assigned to them. There were two applicants for the Wisconsin area: Wisconsin and Mid-Iowa Grain Inspection, Inc. (Mid-Iowa). Wisconsin applied for the entire geographic area currently assigned to them. Mid-Iowa applied for designation to serve the portion of the Wisconsin area bordered on the North by Interstate 90, on the East and South by Highway 27, and on the west by the Mississippi River, and would accept any portion of this area. This area is contiguous to the area they are currently designated to serve. FGIS named and requested comments on the applicants for designation in the August 3, 1992, **Federal Register** (57 FR 34109). Comments were due by September 2, 1992. FGIS received no comments on Wisconsin by the deadline. FGIS received one comment from a grain firm concerned about timeliness of service from the Amarillo agency.

FGIS evaluated all available information regarding the designation criteria in Section 7(f)(1)(A) of the Act; and according to Section 7(f)(1)(B), determined that Amarillo is able to provide official services in the geographic area for which they applied and that Wisconsin is better able to provide official services in the geographic area for which they applied.

Effective December 1, 1992, and ending November 30, 1995, Amarillo is designated to provide official inspection services, and Wisconsin is designated to provide official inspection and Class X or Class Y weighing services under the United States Grain Standards Act, as amended (Act) in the geographic areas specified in the June **Federal Register**. Interested persons may obtain official services by contacting Amarillo at 806–372–8511, and Wisconsin at 715–392–7851 for Superior, or 414–747–0377 for Milwaukee.

**AUTHORITY:** Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: October 21, 1992

**J. T. Abshier**

*Director, Compliance Division*

[FR Doc. 92–26303 Filed 10–29–92; 8:45 am]

**BILLING CODE 3410–EN–F**

## Forest Service

## Newspapers To Be Used for Publication of Legal Notice of Appealable Decisions for Southern Region; Alabama, Kentucky, Georgia, Tennessee, Florida, Louisiana, Mississippi, Virginia, West Virginia, Arkansas, Oklahoma, North Carolina, South Carolina, Texas, Puerto Rico

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice.

**SUMMARY:** Deciding Officers in the Southern Region will publish notice of decisions subject to administrative appeal under 36 CFR part 217 in the legal notice section of the newspapers listed in the Supplementary Information section of this notice. As provided in 36 CFR 217.5(d), the public shall be advised, through **Federal Register** notice, of the principal newspaper to be utilized for publishing legal notices of decisions. Newspaper publication of notices of decisions is in addition to direct notice of decisions to those who have requested notice in writing and to those known to be interested in or affected by a specific decision.

**DATES:** Use of these newspapers for purposes of publishing legal notices of decisions subject to appeal under 36 CFR part 217 shall begin on or after the date of this publication.

**FOR FURTHER INFORMATION CONTACT:** Jean Paul Kruglewicz, Regional Appeals Coordinator, Southern Region, Planning and Budget, 1720 Peachtree Road, NW, Atlanta, Georgia 30367–9102, Phone: 404–347–4867.

**SUPPLEMENTARY INFORMATION:** Deciding Officers in the Southern Region will give legal notice of decisions subject to appeal under 36 CFR part 217 in the following newspapers which are listed by Forest Service administrative unit. Where more than one newspaper is listed for any unit, the first newspaper listed is the principal newspaper that will be utilized for publishing the legal notices of decisions. Additional newspapers listed for a particular unit are those newspapers the Deciding Officer expects to use for purposes of providing additional notice. The timeframe for appeal shall be based on the date of publication of the legal notice of the decision in the principal newspaper.

Southern Regional Forester Decisions affecting National Forest System lands in more than one state of the 13 states of the Southern Region and the Commonwealth of Puerto Rico.

Atlanta Journal, published daily in Atlanta, GA

Southern Regional Forester Decision affecting National Forest System lands in only one state of the 13 states of the Southern Region and the Commonwealth of Puerto Rico will appear in the principal paper elected by the National Forest(s) of that state.

National Forests in Alabama, Alabama

*Forest Supervisor Decisions*

Montgomery Advertiser, published daily in Montgomery, AL

*District Rangers Decisions*

Bankhead Ranger District: Northwest Alabamian, published bi-weekly (Monday & Thursday) in Haleyville, AL

Conecuh Ranger District: The Andalusia Star, published daily (Tuesday through Saturday) in Andalusia, AL

Brewton Standard, published daily in Brewton, AL

Oakmulgee Ranger District, The Tuscaloosa News, published daily in Tuscaloosa, AL
Shoal Creek Ranger District: The Anniston Star, published daily in Anniston, AL
Talladega Ranger District: The Daily Home, published daily in Talladega, AL
Tuskegee Ranger District: Tuskegee News, published weekly (Thursday) in Tuskegee, AL

**Caribbean National Forest, Puerto Rico**

*Forest Supervisor Decisions*

El Nuevo Dia, published daily in Spanish in San Juan, PR San Juan Star, published daily in San Juan, PR

*District Ranger Decisions*

El Horizonte, published weekly (Wednesday) in Fajardo, PR

**Chattahoochee-Oconee National Forest, Georgia**

*Forest Supervisor Decisions*

The Times, published daily in Gainesville, GA

*District Ranger Decisions*

Armuchee Ranger District: Walker County Messenger, published bi-weekly (Wednesday & Friday) in LaFayette, GA
Toccoa Ranger District: The News Observer published weekly (Thursday) in Blue Ridge, GA
Chestatee Ranger District: Dahlonega Nugget, published weekly (Thursday) in Dahlonega, GA
Brasstown Ranger District: North Georgia News, published weekly (Tuesday) in Blairsville, GA
Towns County Herald, published weekly (Tuesday) in Hiawesse, GA
Tallulah Ranger District: Clayton Tribune, published weekly (Wednesday) in Clayton, GA
Chattooga Ranger District: Northeast Georgian, published weekly (Wednesday) in Clarksville, GA
Toccoa Record, published weekly (Thursday) in Toccoa, GA
The Telegraph, published weekly (Wednesday) in Cleveland, GA
Cohutta Ranger District: Chatsworth Times, published weekly (Tuesday) in Chatsworth, GA
Oconee Ranger District: Monticello News, published weekly (Wednesday) in Monticello, GA

**Cherokee National Forest, Tennessee**

*Forest Supervisor Decisions*

Knoxville News Sentinel, published daily in Knoxville, TN (covering McMinn, Monroe, and Polk Counties)
Johnson City Press, published daily in Johnson City, TN (covering Carter, Cocke, Greene, Johnson, Sullivan, Unicoi and Washington Counties)

*District Rangers Decisions*

Ocoee Ranger District: Polk County News, published weekly (Wednesday) in Benton, TN
Hiwassee Ranger District: Daily Post-Athenian, published daily (Monday–Friday) in Athens, TN
Tellico Ranger District: Monroe County Advocate, published weekly (Thursday) in Sweetwater, TN
Nolichucky Ranger District: Greeneville Sun, published daily (Monday–Saturday) in Greeneville, TN
Unaka Ranger District: Johnson City Press, published daily in Johnson City, TN
Watauga Ranger District: Elizabethton Star, published daily (Sunday–Friday) in Elizabethton, TN

**Daniel Boone National Forest, Kentucky**

*Forest Supervisor Decisions*

Lexington Herald-Leader, published daily in Lexington, KY

*District Rangers Decisions*

Morehead Ranger District: Morehead News, published bi-weekly (Tuesday and Friday) in Morehead, KY
Stanton Ranger District: The Clay City Times, published weekly (Thursday) in Clay City, KY
Berea Ranger District: Jackson County Sun, published weekly (Thursday) in McKee, KY
London Ranger District: The Sentinel-Echo, published tri-weekly (Monday, Wednesday, and Friday) in London, KY
Somerset Ranger District: Commonwealth-Journal, published daily (Sunday through Friday) in Somerset, KY
Stearns Ranger District: McCreary County Record, published weekly (Tuesday) in Whitley City, KY
Redbird Ranger District: Manchester Enterprise, published weekly (Thursday) in Manchester, KY

**National Forests in Florida, Florida**

*Forest Supervisor Decisions*

The Tallahassee Democrat, published daily in Tallahassee, FL

*District Rangers Decisions*

Apalachicola Ranger District: The Weekly Journal, published weekly (Wednesday) in Bristol, FL
Lake George Ranger District: The Ocala Star Banner, published daily in Ocala, FL
Osceola Ranger District: The Lake City Reporter, published daily (Monday-Saturday) in Lake City, FL
Seminole Ranger District: The Daily Commercial, published daily in Leesburg, FL
Wakulla Ranger District: The Tallahassee Democrat, published daily in Tallahassee, FL

**Francis Marion and Sumter National Forest, South Carolina**

*Forest Supervisor Decisions*

The State, published daily in Columbia, SC

*District Rangers Decisions*

Enoree Ranger District: Newberry Observer, published tri-weekly (Monday, Wednesday, and Friday) Newberry, SC
Andrew Pickens Ranger District: Seneca Journal and Tribune, published bi-weekly (Wednesday and Friday) in Seneca, SC
Long Cane Ranger District: Index—Journal, published daily (Sunday through Friday) in Greenwood, SC
Wambaw Ranger District: News and Courier, published daily in Charleston, SC
Witherbee Ranger District: News and Courier, published daily in Charleston, SC
Tyger Ranger District: The State, published daily in Columbia, SC
Edgefield Ranger District: Augusta Chronicle, published daily in Augusta, GA

**George Washington National Forest, Virginia**

*Forest Supervisor Decisions*

Daily News Record, published daily in Harrisonburg, VA

*District Rangers Decisions*

Lee Ranger District: Shenandoah Valley Herald, published weekly (Wednesday) in Woodstock, VA
Warm Springs Ranger District: The Recorder, published weekly (Thursday) in Monterey, VA
Pedlar Ranger District: News-Gazette, published weekly (Wednesday) in Lexington, VA
James River Ranger District: Virginian Review, published daily in Covington, VA
Deerfield Ranger District: Daily News Leader, published daily in Staunton, VA
Dry River Ranger District: Daily News Record, published daily in Harrisonburg, VA

**Jefferson National Forest, Virginia**

*Forest Supervisor Decisions*

Roanoke Times & World-News, published daily in Roanoke, VA

*District Rangers Decisions*

Blacksburg Ranger District: Roanoke Times & World-News, published daily in Roanoke, VA
Monroe Watchman, published weekly (Thursday) in Union, WV (only for those decisions in West VA—notice will be published in the Roanoke Times and Monroe Watchman.)
Glenwood Ranger District: Roanoke Times & World -News, published daily in Roanoke, VA
New Castle Ranger District: Roanoke Times & World-News, published daily in Roanoke, VA
Monroe Watchman, published weekly (Thursday) in Union, WV (only for those decisions in West VA—notice will be published in the Roanoke Times and Monroe Watchman.)
Mount Rogers National Recreation Area: Bristol Herald Courier, published daily in Bristol, VA
Clinch Ranger District: Bristol Herald Courier, published daily in Bristol, VA
Wythe Ranger District: Southwest Virginia Enterprise, published bi-weekly (Wednesday and Saturday) in Wytheville, VA

**Kisatchie National Forest, Louisiana**

*Forest Supervisor Decisions*

Alexandria Daily Town Talk, published daily in Alexandria, LA

*District Ranger Decisions*

Caney Ranger District: Minden Press Herald, published daily in Minden, LA
Homer Guardian Journal, published weekly (Wednesday) in Homer, LA
Catahoula Ranger District: Alexandria Daily Town Talk, published daily in Alexandria, LA
Colfax Chronicle, published weekly (Wednesday) in Colfax, LA
Evangeline Ranger District: Alexandria Daily Town Talk, published daily in Alexandria, LA
Kisatchie Ranger District: Natchitoches Times, published bi-weekly (Sunday and Wednesday) in Natchitoches, LA
Vernon Ranger District: Leesville Leader, published daily in Leesville, LA
Winn Ranger District: Winn Parish Enterprise, published weekly (Wednesday) in Winnfield, LA

**National Forests in Mississippi, Mississippi**

*Forest Supervisor Decisions*

Clarion-Ledger, published daily in Jackson, MS

*District Ranger Decisions*

Bienville Ranger District: Clarion-Ledger, published daily in Jackson, MS
Biloxi Ranger District: Clarion-Ledger, published daily in Jackson, MS
Black Creek Ranger District: Clarion-Ledger, published daily in Jackson, MS
Bude Ranger District: Clarion-Ledger, published daily in Jackson, MS
Chickasawhay Ranger District: Clarion-Ledger, published daily in Jackson, MS
Delta Ranger District: Clarion-Ledger, published daily in Jackson, MS
Holly Springs Ranger District: Clarion-Ledger, published daily in Jackson, MS
Homochitto Ranger District: Clarion-Ledger, published daily in Jackson, MS
Strong River Ranger District: Clarion-Ledger, published daily in Jackson, MS
Tombigbee Ranger District: Clarion-Ledger, published daily in Jackson, MS
Ashe-Erambert Project: Clarion-Ledger, published daily in Jackson, MS

**National Forests in North Carolina, North Carolina**

*Forest Supervisor Decisions*

The Asheville Citizen-Times, published daily in Asheville, NC

*District Ranger Decisions*

Cheoah Ranger District: Graham Star, published weekly (Thursday) in Robbinsville, NC
Croatan Ranger District: The Sun Journal, published weekly (Sunday through Friday) in New Bern, NC
French Broad District: The Asheville Citizen-Times, published daily in Asheville, NC
Grandfather District: McDowell News, published daily in Marion, NC
Highlands Ranger District: The Highlander, published weekly (May-Oct Tues & Fri; Oct-April Tues only) in Highlands, NC
Pisgah Ranger District: The Asheville Citizen-Times, published daily in Asheville, NC
Toecane Ranger District: The Asheville Citizen-Times, published daily in Asheville, NC
Tusquitee Ranger District: Cherokee Scout, published weekly (Wednesday) in Murphy, NC
Uwharrie Ranger District: Montgomery Herald, published weekly (Wednesday) in Troy, NC
Wayah Ranger District: The Franklin Press, published tri-weekly (Monday, Wednesday, and Friday) in Franklin, NC

**Ouachita National Forest, Arkansas, Oklahoma**

*Forest Supervisor Decisions*

Arkansas Democrat-Gazette, published daily in Little Rock, AR

*District Ranger Decisions*

Caddo Ranger District: Arkansas Democrat, published daily in Little Rock, AR
Cold Spring Ranger District: Arkansas Democrat, published daily in Little Rock, AR
Fourche Ranger District: Arkansas Democrat, published daily in Little Rock, AR
Jessieville Ranger District: Arkansas Democrat, published daily in Little Rock, AR
Mena Ranger District: Arkansas Democrat, published daily in Little Rock, AR
Oden Ranger District: Arkansas Democrat, published daily in Little Rock, AR
Poteau Ranger District: Arkansas Democrat, published daily in Little Rock, AR
Winona Ranger District: Arkansas Democrat, published daily in Little Rock, AR
Womble Ranger District: Arkansas Democrat, published daily in Little Rock, AR
Choctaw Ranger District: Tulsa World, published daily in Tulsa, OK
Kiamichi Ranger District: Tulsa World, published daily in Tulsa, OK
Tiak Ranger District: Tulsa World, published daily in Tulsa, OK

**Ozark-St. Francis National Forest, Arkansas**

*District Supervisor Decisions*

Courier-Democrat, published daily (Sunday through Friday) in Russellville, AR

*District Ranger Decisions*

Sylamore Ranger District: Stone County Leader, published weekly (Tuesday) in Mountain View, AR
Buffalo Ranger District: Newton County Times, published weekly (Wednesday) in Jasper, AR
Bayou Ranger District: Courier-Democrat, published daily (Sunday through Friday) in Russellville, AR
Pleasant Hill Ranger District: Johnson County Graphic, published weekly (Wednesday) in Clarksville, AR
Boston Mountain Ranger District: Southwest Times Record, published daily in Fort Smith, AR
Magazine Ranger District: Southwest Times Record, published daily in Fort Smith, AR

St. Francis Ranger District: The Daily World, published daily (Sunday through Friday) in Helena, AR

**National Forests in Texas, Texas**

*District Rangers Decisions*

The Lufkin Daily News, published daily in Lufkin, TX

*Forest Rangers Decisions*

Angelina Ranger District: The Lufkin Daily New, published daily in Lufkin, TX
San Jacinto Ranger District: The Houston Post, published daily in Houston, TX
Neches Ranger District: The Lufkin Daily News, published daily in Lufkin, TX
Raven Ranger District: The Courier, published daily in Conroe, TX
Tenaha Ranger District: The Lufkin Daily News, published daily in Lufkin, TX
Trinity Ranger District: The Lufkin Daily News, published daily in Lufkin, TX
Yellowpine Ranger District: The Beaumont Enterprise, published daily in Beaumont, TX
Caddo-LBJ Ranger District—Caddo-LBJ National Grassland: Denton Record-Chronicle, published daily in Denton, TX

Dated: October 26, 1992.

**R.B. Erickson,**

*Deputy Regional Forester.*

[FR Doc. 92-26355 Filed 10-29-92; 8:45 am]
BILLING CODE 3410-11-M

## ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

### Meeting of the Board

**AGENCY:** Architectural and Transportation Barriers Compliance Board.

**ACTION:** Notice of meeting.

**SUMMARY:** The Architectural and Transportation Barriers Compliance Board has scheduled its regular business meetings to take place in Chicago, Illinois on Tuesday and Wednesday, November 17–18, 1992 at the times and location noted below. The Board has also scheduled a public forum on Tuesday, November 17, 1992.

**DATES:** The schedule of events is as follows:

*Tuesday, November 17, 1992*

8:30–9:30 am, Technical Programs Committee.
9:30–10:30 am, Planning and Budget Committee.
10:30–12 pm, Rulemaking Work Group (closed meeting).
1:30–4:30 pm, Public Forum.

*Wednesday, November 18, 1992*

8:30–10:30 am, Rulemaking Work Group (closed meeting).
10:30–11:30 am, Executive Committee.
2:30–4:30 pm, Board Meeting.

**ADDRESSES:** The meetings will be held at: Embassy Suites, River North Room, 600 North State Street, Chicago, Illinois.

**FOR FURTHER INFORMATION CONTACT:** For further information regarding the meetings, please contact Lawrence W. Roffee, Executive Director, (202) 272–5434 ext. 14.

**SUPPLEMENTARY INFORMATION:** At its business meeting, the Board will consider the following agenda items:

- Approval of the Minutes of the September 9, 1992 Board Meeting.
- Executive Director's Report.
- Report on Use of Extraordinary Work.
- Directive on Disqualification from Participation in Rulemaking Under Standards of Ethical Conduct.
- Proposed Supplemental Standards of Ethical Conduct for Board Members and Employees.
- Complaint Status Report.
- Review of FY 1993 Funding Priorities.
- Progress Report on Technical Program Projects and Technical Assistance and Research Contracts.
- Report on AT&T Public Phone 2000.
- Progress Report on Collecting Information on Chemical and Environmental Sensitivities.
- Guidance for FY 1994 Technical Program Projects and Technical Assistance and Research Contracts.
- Status Report on FY 1993 Budget.
- Status Report on FY 1994 Budget.
- Status Report on State and Local Government Facilities NPRM (closed).
- Comments on ATM Reach Range NPRM and Recommendations for Final Rule (closed).
- Fair Access Petition on Small Vehicle Door Height (closed).
- Transit Agencies' Petition on Key Stations—Detectable Warnings and Communication Systems (closed).
- International Mass Retail Association Petition on Detectable Warnings (closed).
- Office of Technology Assessment Draft Study on "Over-the-Road Bus Access for Individuals with Disabilities" (closed).
- Children's Environments and Recreational Facilities—ANPRM and Advisory Committee (closed).

Some meetings or items may be closed to the public as indicated above. All meetings are accessible to persons with disabilities. Sign language interpreters and an assistive listening system are available at all meetings.

**Lawrence W. Roffee,**

*Executive Director.*

[FR Doc. 92-26325 Filed 10-29-92; 8:45 am]
BILLING CODE 8150-01-M

## DEPARTMENT OF COMMERCE

### Agency Information Collection Under Review by the Office of Management and Budget (OMB)—Expedited Review Requested

DOC has submitted to OMB for expedited clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

*Agency*: National Oceanic and Atmospheric Administration.
*Title*: Information for Permit Endorsement for the Red Snapper Fishery.
*Form Number*: Agency—None; OMB—None.
*Type of Request*: New Collection—Expedited Review.
*Burden*: 700 respondent; 1,400 reporting hours; average hours per response—2 hours.
*Needs and Uses*: Collection provides fishermen with the opportunity to apply for a red snapper endorsement for the reef fish vessel permit. The endorsement will allow a trip limit of 2,000 pounds of red snapper. Vessels without the endorsement will be limited to 200 pounds of red snapper per trip.
*Affected Public*: Individuals or households, businesses or other for-profit institutions, small businesses or organizations.
*Frequency*: One-time collection.
*Respondent's Obligation*: Required to obtain or retain a benefit.
*OMB Desk Officer*: Ron Minsk, (202) 395–3084.

The information collection proposal is printed below. Questions regarding the proposal can be addressed to Edward Michals, DOC Clearance Officer, (202) 482–3271, Department of Commerce, room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Ron Minsk, OMB Desk Officer, room 3019, New Executive Office Building, Washington, DC 20503. The Department has requested that the OMB review be completed by no later than November 20, 1992.

Dated: October 26, 1992.

**Edward Michals,**

*Departmental Clearance Officer, Office of Management and Organization.*

BILLING CODE 3510-22-M

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE, SOUTHEAST REGION

OMB No. OMB Approval
Expires:

# APPLICATION FOR RED SNAPPER ENDORCEMENT ON REEF FISH PERMIT

MAIL ALL REQUESTED INFORMATION TO:
National Marine Fisheries Service (F/SEO12)
9450 Koger Boulevard
St. Petersburg, FL 33702

| For Office Use Only: |
|---|
| Permit No. |
| VIO # |
| Reviewer's Initials/Date: |

***PLEASE READ INSTRUCTIONS ON REVERSE***

SECTION 1 VESSEL/OWNER INFORMATION (please print)

| Name of Vessel | CG Doc. or State Reg. No. |
|---|---|
| Owner's Name | Area Code/Phone No. |
| Mailing Address | City |

| State | Zip Code | Social Security No./Federal ID No. | Date of Birth/Date Corp. Formed |
|---|---|---|---|
| | | | |

You must document that more than 5000 pounds (whole weight) of red snapper were landed in two of the last three years.

See Instructions on back

Current Federal Reef Fish Permit Number: _____

Years for which landing records are being submitted. Landing records must be separated by year.

Please check:

☐ 1990 - Federal Reef Fish Permit Number: _____

☐ 1991 - Federal Reef Fish Permit Number: _____

☐ 1992 - Federal Reef Fish Permit Number: _____

SECTION 5 VESSEL OWNER/APPLICANT'S SIGNATURE

The undersigned certifies that he/she meets all applicable requirement for the requested endorsement.

| Owner's Signature: | Date: |
|---|---|
| Name (print): | Position, if owner is a corporation/partnership: |

KNOWINGLY SUPPLYING FALSE INFORMATION FOR THE PURPOSE OF OBTAINING AN ENDORSEMENT IS A VIOLATION OF FEDERAL LAW PUNISHABLE BY A FINE AND/OR IMPRISONMENT.

## INSTRUCTIONS

This application is for a red snapper endorsement for your vessel permit for the reef fish fishery in the Gulf of Mexico. This red snapper endorsement will allow the vessel to land 2000 pounds of red snapper per trip. Vessels without this endorsement will be limited to 200 pounds of red snapper per trip.

Only vessel owners may apply for a red snapper endorsement on a reef fish vessel permit. If a person owns more than one permitted vessel, application must be made separately for each qualifying vessel.

To obtain a red snapper endorsement, the current vessel owner must have had documented landings of red snapper from the Gulf of Mexico of at least 5,000 pounds, whole weight, or 4,505 pounds, eviscerated weight, per permitted vessel owned by him during two of the last 3 years 1990, 1991 and 1992. The owner of a vessel at any time is the owner shown on the vessel permit in effect at that time. Ownership of a vessel prior to April 23, 1990, the date when vessel permits were first required for the commercial reef fish fishery, will be presumed to have been the owner when a permit was first obtained in 1990, unless otherwise documented.

Landings of red snapper documented by permit holders selected to keep NMFS vessel logbooks are conclusive as to such landings during the periods covered by logbooks -- landings data from other sources will not be considered for such periods.

Landings of red snapper documented by the Florida trip ticket system are conclusive as to landings in Florida.

Two types of documentation are acceptable in applying for a red snapper endorsement:

1.) Documentation may consist of copies of trip receipts showing dates and amounts of landings of red snapper. Trip receipts must definitively show the species, "red snapper," and the vessel's name or other traceable indication of the harvesting vessel.

2.) Documentation may also consist of dealer records that identify the owner or vessel from which red snapper were purchased and show specific dates and amounts of red snapper purchased. Such records must contain a sworn affidavit by the dealer confirming the accuracy and authenticity of the records. A sworn affidavit is an official written statement wherein the individual signing the affidavit affirms that the information presented is accurate and can be substantiated, under penalty of law.

Documentation by a combination of trip receipts and dealer records is acceptable, but care must be exercised not to double count any landings. Errors and oversights of this type may cause delays in processing the application and/or rejection.

Landings data will not be accepted for a month in which the harvesting vessel did not have a required vessel permit. All documentation of landings of red snapper are subject to verification by comparison with state, federal and other records.

In addition to the above, the following criteria have been established for the processing of applications:

a.) Landings will be calculated as whole or eviscerated weight, as indicated on the documentation. If not indicated, eviscerated weight will be assumed.

b.) The red snapper catch history of a vessel accrues to that vessel unless the vessel was sold during the qualifying period, in which case, the catch history accrues to a vessel currently owned by the owner of record at the time of the landings.

c.) The catch history of a vessel is not transferable by an owner to another vessel owned by him.

## GENERAL INSTRUCTIONS

1. Type or print legibily.

2. Mail this application form and catch documentation to: **National Marine Fisheries Service, F/SEO12, 9450 Koger Boulevard, St. Petersburg, FL 33702.**

3. Questions may be phoned to (813) 893-3722 between 8:00 am and 4:30 pm, eastern time.



[FR Doc. 92-26339 Filed 10-29-92; 8:45 am]
BILLING CODE 3510-22-C

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the People's Republic of China

October 27, 1992.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs adjusting limits.

**EFFECTIVE DATE:** October 27, 1992.

**FOR FURTHER INFORMATION CONTACT:** Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6703. For information on embargoes and quota re-openings, call (202) 482–3715.

**SUPPLEMENTARY INFORMATION:**

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for swing and carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 56 FR 60101, published on November 27, 1991). Also see 56 FR 60976, published on November 29, 1991.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

**Auggie D. Tantillo,**

*Chairman, Committee for the Implementation of Textile Agreements.*

**Committee for the Implementation of Textile Agreements**

October 27, 1992.

Commissioner of Customs,
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 22, 1991, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1992 and extends through December 31, 1992.

Effective on October 27, 1992, you are directed to amend further the directive dated November 22, 1991, to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the People's Republic of China:

| Category | Adjusted twelve-month limit [1] |
|---|---|
| Levels not in group | |
| 300/301 | 1,938,582 kilograms. |
| 313 | 40,623,420 square meters. |
| 317/326 | 18,788,989 square meters of which not more than 3,423,527 square meters shall be in Category 326. |
| 331 | 4,810,917 dozen pairs. |
| 333 | 71,822 dozen. |
| 336 | 153,633 dozen. |
| 350 | 145,495 dozen. |
| 361 | 3,874,956 numbers. |
| 363 | 29,520,030 numbers. |
| 369–D [2] | 4,518,025 kilograms. |
| 369–H [3] | 3,524,884 kilograms. |
| 369–L [4] | 2,894,557 kilograms. |
| 410 | 1,772,956 square meters of which not more than 1,554,431 square meters shall be in Category 410–A [5] and not more than 1,554,431 square meters shall be in Category 410–B [6]. |
| 433 | 23,939 dozen. |
| 438 | 26,769 dozen. |
| 443 | 137,672 numbers. |
| 607 | 845,095 kilograms. |
| 634 | 583,721 dozen. |
| 636 | 529,111 dozen. |
| 638/639 | 2,386,763 dozen. |
| 640 | 1,495,609 dozen. |
| 641 | 1,230,914 dozen. |
| 642 | 309,952 dozen. |
| 649 | 820,648 dozen. |
| 651 | 731,539 dozen of which not more than 119,252 dozen shall be in Category 651–B [7]. |
| 659–C [8] | 390,044 kilograms. |
| 670–L [9] | 14,486,443 kilograms. |
| 833 | 25,416 dozen. |
| 840 | 455,692 dozen. |
| 845 | 2,415,622 dozen. |
| 847 | 1,215,894 dozen. |

[1] The limits have not been adjusted to account for any imports exported after December 31, 1991.

[2] Category 369–D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

[3] Category 369–H: only HTS numbers 4202.22.4020, 4202.22.4500 and 4202.22.8030.

[4] Category 369–L: only HTS numbers 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3015 and 4202.92.6000.

[5] Category 410–A: only HTS numbers 5111.11.3000, 5111.11.7030, 5111.11.7060, 5111.19.2000, 5111.19.6020, 5111.19.6040, 5111.19.6060, 5111.19.6080, 5111.20.9000, 5111.30.9000, 5111.90.3000, 5111.90.9000, 5212.11.1010, 5212.12.1010, 5212.13.1010, 5212.14.1010, 5212.15.1010, 5212.21.1010, 5212.22.1010, 5212.23.1010, 5212.24.1010, 5212.25.1010, 5311.00.2000, 5407.91.0510, 5407.92.0510, 5407.93.0510, 5407.94.0510, 5408.31.0510, 5408.32.0510, 5408.33.0510, 5408.34.0510, 5515.13.0510, 5515.22.0510, 5515.92.0510, 5516.31.0510, 5516.32.0510, 5516.33.0510, 5516.34.0510 and 6301.20.0020.

[6] Category 410–B: only HTS numbers 5007.10.6030, 5007.90.6030, 5112.11.2030, 5112.11.2060, 5112.19.9010, 5112.19.9020, 5112.19.9030, 5112.19.9040, 5112.19.9050, 5112.19.9060, 5112.20.3000, 5112.30.3000, 5112.90.3000, 5112.90.9010, 5112.90.9090, 5212.11.1020, 5212.12.1020, 5212.13.1020, 5212.14.1020, 5212.15.1020, 5212.21.1020, 5212.22.1020, 5212.23.1020, 5212.24.1020, 5212.25.1020, 5309.21.2000, 5309.29.2000, 5407.91.0520, 5407.92.0520, 5407.93.0520, 5407.94.0520, 5408.31.0520, 5408.32.0520, 5408.33.0520, 5408.34.0520, 5515.13.0520, 5515.22.0520, 5515.92.0520, 5516.31.0520, 5516.32.0520, 5516.33.0520 and 5516.34.0520.

[7] Category 651–B: only HTS numbers 6107.22.0015 and 6108.32.0015.

[8] Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.3038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.3014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[9] Category 670–L: only HTS numbers 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9020.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 92–26337 Filed 10–29–92; 8:45 am]

BILLING CODE 3510–DR–F

### Adjustment of Import Limits for Certain Cotton Textile Products Produced or Manufactured in Pakistan

October 26, 1992.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs adjusting limits.

**EFFECTIVE DATE:** November 3, 1992.

**FOR FURTHER INFORMATION CONTACT:** Anne Novak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6714. For information on embargoes and quota re-openings, call (202) 482–3715.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for Categories 360 and 361 are being increased for carryforward. As a result, the limit for Category 361, which is currently filled, will re-open.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 56 FR 60101, published on November 27, 1991). Also see 57 FR 14563, published on April 21, 1992.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

**Auggie D. Tantillo,**

*Chairman, Committee for the Implementation of Textile Agreements.*

**Committee for the Implementation of Textile Agreements**

October 26, 1992.

Commissioner of Customs,
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on April 15, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Pakistan and exported during the twelve-month period which began on January 1, 1992 and extends through December 31, 1992.

Effective on November 3, 1992, you are directed to amend further the directive dated April 15, 1992, to increase the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and Pakistan:

| Category | Adjusted twelve-month limit [1] |
|---|---|
| 360 | 1,843,576 numbers. |
| 361 | 2,490,444 numbers. |

[1] The limits have not been adjusted to account for any imports exported after December 31, 1991.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 92-26338 Filed 10-29-92; 8:45 am]
BILLING CODE 3510-DR-F

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List; Proposed Addition

**AGENCY:** Committee for Purchase from People who are Blind or Severely Disabled.

**ACTION:** Proposed addition to Procurement List.

**SUMMARY:** The Committee has received a proposal to add to the Procurement List a service to be furnished by nonprofit agencies employing persons with severe disabilities.

**COMMENTS MUST BE RECEIVED ON OR BEFORE:** November 30, 1992.

**ADDRESS:** Committee for Purchase from People who are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

**FOR FURTHER INFORMATION CONTACT:** Beverly Milkman, (703) 557-1145.

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the service listed below from the designated nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action will result in authorizing small entities to furnish the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the service proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following service to the Procurement List for provision by the designated nonprofit agency: Janitorial/Custodial, Federal Service Center, 5600 Rickenbacker Road, Bell, California.

*Nonprofit agency:* Work Orientation and Rehabilitation Company, Inc., Baldwin Park, California.

**G. John Heyer,**

*General Counsel.*

[FR Doc. 92-26368 Filed 10-29-92; 8:45 am]
BILLING CODE 6820-33-M

### Procurement List; Addition

**AGENCY:** Committee for Purchase from People who are Blind or Severely Disabled.

**ACTION:** Addition to procurement list.

**SUMMARY:** This action adds to the Procurement List a service to be furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

**EFFECTIVE DATE:** November 30, 1992.

**ADDRESSES:** Committee for Purchase from People who are Blind or Severely Disabled, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

**FOR FURTHER INFORMATION CONTACT:** Beverly Milkman (703) 557-1145.

**SUPPLEMENTARY INFORMATION:** On June 12, 1992, the Committee for Purchase from People who are Blind or Severely Disabled published notice (57 FR 25023) of a proposed addition to the Procurement List. No comments were received in response to this notice.

After consideration of the material presented to it concerning the capability of a qualified nonprofit agency to provide the service, fair market price, and the impact of the addition on the current or most recent contractor, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action will not have a severe economic impact on current contractors for the service.

3. The action will result in authorizing small entities to furnish the service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for addition to the Procurement List.

Accordingly, the following service is hereby added to the Procurement List:

Commissary Shelf Stocking and Custodial, Fort Jackson, South Carolina.

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

G. John Heyer,

*General Counsel.*

[FR Doc. 92–26369 Filed 10–29–92; 8:45 am]

BILLING CODE 6820–33–M

## Procurement List; Additions

**AGENCY:** Committee for Purchase from People who are Blind or Severely Disabled.

**ACTION:** Additions to procurement list.

**SUMMARY:** This action adds to the Procurement List services to be furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

**EFFECTIVE DATE:** November 30, 1992.

**ADDRESS:** Committee for Purchase from People who are Blind or Severely Disabled, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

**FOR FURTHER INFORMATION CONTACT:** Beverly Milkman (703) 557–1145.

**SUPPLEMENTARY INFORMATION:** On August 28, 1992, the Committee for Purchase from People who are blind or Severely Disabled published notice (57 FR 39190) of proposed additions to the Procurement List.

Comments were received from one of the local unions which represent the employees of the contractors providing these services to the Government. The union noted that, unlike the usual practice when these contracts are awarded to another contractor, the addition of these services to the Procurement List will mean that the current employees, some of whom have over 20 years of service at the locations, will be displaced. The union also indicated that, because the unemployment rate in New York City is twelve per cent and many of the workers are middle-aged, the likelihood of their finding comparable employment is not great. Some of these workers, according to the union, were relocated to the Cellar Building fifteen years ago after their work site at that time was added to the Procurement List.

The union stated that the nonprofit agency that will perform the service is refusing to consider any of the current workers for continued employment. The nonprofit agency has informed the Committee that it intends to employ people with severe disabilities for 100% of the direct labor hours requiring to perform janitorial and custodial services at these two locations. Consequently, the agency will be unable to hire any people without severe disabilities for direct labor positions, including the current workers at these locations.

The purpose of the Committee's program is to create employment for people with severe disabilities. These people have unemployment rates exceeding 65%. They are considerably less likely than the union's members to secure other employment.

Consequently, the Committee considers the creation of employment for people with severe disabilities through addition of these services to the Procurement List to outweigh the possibility that the union's members will not find comparable employment.

The Committee contacted the Government contracting activity responsible for these two facilities about relocating the displaced workers to another Government building, as the union alleges was done in 1977. The Government activity told the Committee that it could not relocate the workers, as it is prohibited from required its other contractors hire them. It also indicated that the majority of the workers at the facility to which the union's workers were allegedly relocated in 1977 are new employees, making it unlikely that they will be displaced twice by the Committee's actions, as the union implies.

After consideration of the material presented to it concerning the capability of a qualified nonprofit agency to provide the services, fair market price, and the impact of the addition on the current or most recent contractor, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will not have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to the Procurement List:

Janitorial/Custodial, Emanuel Cellar Federal Building, 225 Cadman Plaza, Brooklyn, New York.

Janitorial/Custodial, Federal Building, #111 JFK International Airport, Jamaica, New York.

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

G. John Heyer,

*General Counsel.*

[FR Doc. 92–26370 Filed 10–29–92; 8:45 am]

BILLING CODE 6820–33–M

## Procurement List; Addition

**AGENCY:** Committee for Purchase from People who are Blind or Severely Disabled.

**ACTION:** Addition to procurement list.

**SUMMARY:** This action adds to the Procurement List a service to be furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

**EFFECTIVE DATE:** November 30, 1992.

**ADDRESS:** Committee for Purchase from People who are Blind or Severely Disabled, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

**FOR FURTHER INFORMATION CONTACT:** Beverly Milkman (703) 557–1145.

**SUPPLEMENTARY INFORMATION:** On September 4, 1992, the Committee for Purchase from People who are Blind or Severely Disabled published notice (57 FR 40644) of a proposed addition to the Procurement List. No comments were received in response to this notice.

After consideration of the material presented to it concerning the capability of a qualified nonprofit agency to provide the service, fair market price, and the impact of the addition on the current or most recent contractor, the Committee has determined that the service listed below is suitable for procurement by the Federal Government

under 41 U.S.C. 46–48c and 41 CFR 51–2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action will not have a severe economic impact on current contractors for the service.

3. The action will result in authorizing small entities to furnish the service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for addition to the Procurement List.

Accordingly, the following service is hereby added to the Procurement List:

Food Service, Tinker Air Force Base, Oklahoma.

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

**Beverly L. Milkman,**

*Executive Director.*

[FR Doc. 92–26519 Filed 10–29–92; 8:45 am]

BILLING CODE 6820–33–M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Renewal of the Navy Planning and Steering Advisory Committee

**AGENCY:** DoD.

**ACTION:** Notice.

**SUMMARY:** Under the provisions of Public Law 92–463, the "Federal Advisory Committee Act," notice is hereby given that the Defense Language Institute Board of Visitors (DLIBoV) has been renewed, effective October 21, 1992.

The DLIBoV provides expert advice and assistance to the Secretary of Defense, Assistant Secretary of Defense for Command, Control, Communications and Intelligence, and Commandant, Defense Language Institute, on matters relating to the Institute's mission, policies, staff and faculty concerns, curriculum, educational philosophy and objectives, administration, program effectiveness, instructional methodology, research, and financial and resources considerations.

The DLIBoV will continue to be composed of approximately ten members who are recognized experts and leaders in the fields of foreign affairs, intelligence, security affairs, and public affairs. The members constitute a well-balanced group in terms of the interest groups represented and functions to be performed, with individuals from a varied cross-section of academic, government, business, and professional sectors.

For additional information regarding the DLIBoV, please contact Mr. Craig Wilson, telephone: 703–695–9732.

Dated: October 27, 1992.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 92–26363 Filed 10–29–92; 8:45 am]

BILLING CODE 3810–01–M

### Joint Defense Science Board/Defense Policy Board Task Force on Chemical Weapons, Biological Defense, and Proliferation Policy; Meeting

**ACTION:** Change in date of Advisory Committee meeting notice.

**SUMMARY:** The meeting of the Joint Defense Science Board/Defense Policy Board Task Force on Chemical Weapons, Biological Defense, and Proliferation Policy scheduled for November 5, 1992, at Fort Detrick, MD, as published in the **Federal Register** (Vol. 57, No. 201, Page 47455, Friday, October 16, 1992, FR Doc. 92–25137) has been rescheduled for November 12, 1992.

Dated: October 27, 1992.

**Linda M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 92–26362 Filed 10–29–92; 8:45 am]

BILLING CODE 3810–01–M

### Joint Advisory Committee on Nuclear Weapons Surety; Meeting

**ACTION:** Notice of Advisory Committee Meeting.

**SUMMARY:** The Joint Advisory Committee (JAC) on Nuclear Weapons Surety will meet in closed session on November 13–14, 1992, at Washington, DC.

The Joint Advisory Committee is charged with advising the Secretary of Defense, Secretary of Energy, and the Joint Nuclear Weapons Council on nuclear weapons systems surety matters. Information to be discussed at this meeting on nuclear weapons and nuclear weapons surety is deemed classified information that is sensitive to interests of national security.

Therefore, in accordance with the Federal Advisory Committee Act (FACA) (Public Law 92–463, as amended, title 5, United States Code App. II, (1988)), this meeting of the Joint Advisory Committee will be closed to the public based on determination that this meeting concerns classified matters listed in section 552b, paragraph (c)(1), of title 5 United States Code. The determination was based on the consideration that the discussions will involve classified matters of national security that will be so intertwined that they cannot reasonably be segregated into separated discussions without defeating the effectiveness and meaning of the overall meeting.

Dated: October 27, 1992.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 92–26361 Filed 10–29–92; 8:45 am]

BILLING CODE 3810–01–M

## DEPARTMENT OF DEFENSE

## GENERAL SERVICES ADMINISTRATION

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[FAR Case 90–12]**

### Expedited Clearance Request for Thresholds, Part 45—An Amendment; Correction

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Corrected request for an expedited extension to an existing OMB clearance (9000–0075).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat submitted to the Office of Management and Budget (OMB) a request for an expedited approval by October 30, 1992, of a currently approved information collection requirement pertaining to Special Test Equipment, Thresholds, part 45—An Amendment, and published a notice of such request at 57 FR 48212, October 22, 1992. This is a republication of that request with corrected figures.

**FOR FURTHER INFORMATION CONTACT:** Beverly Fayson, Office of Federal Acquisition Policy, GSA, (202) 501–4755.

**SUPPLEMENTARY INFORMATION:**

**A. Purpose**

FAR 45.307–3 and the clause at 52.245–18, Special Test Equipment, contain a policy and contractual language on contractors acquiring or fabricating special test equipment for the Government when the exact identification of the special test equipment to be acquired or fabricated is unknown. The contractor may either acquire or fabricate special test equipment at Government expense when the equipment is not otherwise itemized in the contract. When the contractor intends to acquire or fabricate the special test equipment, he is required to submit a notice of intent to the contracting officer, at least 30 days in advance. The notice shall include an estimated cost of all items and components of the equipment of which each item or component is less than $5,000. This threshold is being increased from $1,000 to $5,000, therefore reducing the reporting requirement of the contractor.

**B. Annual Reporting Burden**

The annual reporting burden is estimated as follows: *Respondents*, 18,750; *response per respondent*, 10; *total annual responses*, 187,500; *preparation hours per response*, 1; and *total response burden hours*, 187,500.

**C. Annual Recordkeeping Burden**

The annual recordkeeping burden is estimated as follows: *Recordkeepers*, 10,000; *hours per recordkeeper*, 40; and *total recordkeeper burden hours*, 400,000.

*Total response and recordkeeper burden hours*, 578,500.

**Obtaining Copies of Proposals**

Requester may obtain copies of OMB application or justifications from the General Services Administration, FAR Secretariat (VRS), room 4037, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0075, FAR case 90–12, Thresholds, part 45, in all correspondence.

Dated: October 26, 1992.

**Beverly Fayson,**

*FAR Secretariat.*

[FR Doc. 92–26360 Filed 10–29–92; 8:45 am]

BILLING CODE 6820–34–M

## DEPARTMENT OF EDUCATION

### Bilingual Education and Minority Languages Affairs; Inviting Individuals to Serve as Field Readers

**AGENCY:** Department of Education.

**ACTION:** Notice inviting individuals to serve as field readers for grant application competitions.

**SUMMARY:** The Director of the Office of Bilingual Education and Minority Languages Affairs (OBEMLA) invites individuals to apply to serve as field readers to evaluate grant applications submitted for funding for fiscal year (FY) 1993 under various discretionary grant programs administered by OBEMLA.

**DATES:** Individuals interested in serving as field readers should submit their resumes to OBEMLA as soon as possible. (See section of this notice, **"FOR FURTHER INFORMATION CONTACT."**) Because grant competitions are held throughout the year for the various discretionary grant programs administered by OBEMLA, delays in the receipt of resumes may preclude individuals from serving during FY 1993. However, all individuals unable to meet FY 1993 deadlines for submitting resumes will be considered for future service.

**SUPPLEMENTARY INFORMATION:** Each year the Secretary selects field readers to evaluate grant applications on the basis of criteria published in program regulations and, where applicable, additional criteria published in application notices in the **Federal Register.**

Potential field readers for the FY 1993 OBEMLA grant competitions will be selected to evaluate grant applications in their respective areas of expertise. The Department will identify an area of expertise based on the resume provided by each potential field reader.

Expertise is desirable in a variety of areas, including bilingual education, English-as-a-second-language (ESL), second language acquisition, early childhood education, special education, education of the gifted and talented, adult literacy, computer assisted instruction, curriculum and materials development, educational personnel and parent training, evaluation, research, and education administration. This list is not intended to be all-inclusive and individuals with expertise in related fields are encouraged to apply.

Field readers will be provided honoraria for their service and must travel to the review site in the Washington, D.C. metropolitan area. The Department will pay the travel expenses of the field readers under the requirements of the Federal travel regulations.

**FOR FURTHER INFORMATION CONTACT:** Potential field readers should send their resume to: Ms. Vernice Diggs, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 5086, Switzer Building, Washington, D.C. 20202–6510. Telephone (202) 205–8071. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Dated: October 13, 1992.

**Maria Hernandez Ferrier,**

*Director, Office of Bilingual Education and Minority Languages Affairs.*

[FR Doc. 92–26317 Filed 10–29–92; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No. 84.195V]

### Bilingual Education: Short-Term Training Program

**ACTION:** Cancellation notice.

**SUMMARY:** The Department has determined that sufficient funds are not available for a previously announced competition for new grants for fiscal year (FY) 1993 under the Bilingual Education: Short-Term Training Program. Therefore, the grant competition has been canceled.

**SUPPLEMENTARY INFORMATION:** On September 21, 1992, the Secretary published in the **Federal Register** (57 FR 43498) a notice inviting applications for new awards for FY 1993 under many of the Department's direct grant and fellowship programs, including the Bilingual Education: Short-Term Training Program. Subsequently, the Department determined that sufficient funds were not available for new grants under this program.

The cancellation of the grant competition does not affect FY 1993 continuation grant awards. Continuation application packages have been sent to eligible grantees. The deadline date for the submission of these applications is February 5, 1993.

**FOR FURTHER INFORMATION CONTACT:** Petraine A. Johnson, U.S. Department of Education, 400 Maryland Avenue, SW., room 5086, Switzer Building, Washington, DC 20202–6642. Telephone: (202) 205–8766. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC, 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m. Eastern time.

Dated: October 23, 1992.

**Maria Hernandez Ferrier,**

*Director, Office of Bilingual Education and Minority Languages Affairs.*

[FR Doc. 92–26318 Filed 10–29–92; 8:45 am]

BILLING CODE 4000–01–M

## DEPARTMENT OF ENERGY

### Office of Fossil Energy

**[FE Docket No. 92-111-NG]**

### Colonial Gas Co.; Order Granting Blanket Authorization To Import Natural Gas From Canada

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of an order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Colonial Gas Company blanket authorization to import up to 20 Bcf of natural gas from Canada over a two-year term, beginning on the date of the first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, October 23, 1992.

Charles F. Vacek,

*Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.*

[FR Doc. 92-26431 Filed 10-29-92; 8:45 am]

BILLING CODE 6450-01-M

**[FE Docket No. 92-64-NG]**

### Direct Energy Marketing Inc.; Order Granting Blanket Authorization to Export Natural Gas to Canada

**AGENCY:** Office of Fossil Energy, Department of Energy.

**ACTION:** Notice of order granting blanket authorization to export natural gas to Canada.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order authorizing Direct Energy Marketing Inc. to export up to 200 Bcf of natural gas to Canada over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, October 23, 1992.

Charles F. Vacek,

*Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.*

[FR Doc. 92-26430 Filed 10-29-92; 8:45 am]

BILLING CODE 6450-01-M

### Office of Fossil Energy

**[FE Docket No. 92-87-NG]**

### Pacwest Resources, Inc.; Order Granting Blanket Authorization to Import Natural Gas From Canada

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Pacwest Resources, Inc. blanket authorization to import up to 146 Bcf of natural gas from Canada over a two-year term beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs docket room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

Issued in Washington, DC, October 23, 1992.

Charles F. Vacek,

*Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.*

[FR Doc. 92-26429 Filed 10-29-92; 8:45 am]

BILLING CODE 6450-01-M

### Office of Fossil Energy

**[FE Docket No. 92-112-NG]**

### Pepperell Power Associates Limited Partnership; Order Granting Authorization to Import Natural Gas From Canada and Vacating Conditional Authorization

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Pepperell Power Associates Limited Partnership authorization to import from Canada up to 9,700 Mcf per day of natural gas and up to a total of 3.5 Bcf over a period of 10 years beginning November 1, 1992. The order also vacates the conditional authorization granted to Pepperell by DOE/ERA Opinion and Order No. 275 on October 25, 1988.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, October 23, 1992.

Charles F. Vacek,

*Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.*

[FR Doc. 92-26432 Filed 10-29-92; 8:45 am]

BILLING CODE 6450-01-M

**[FE Docket No. 92-108-NG]**

### Petro-Canada Hydrocarbons Inc.; Order Granting Blanket Authorization to Import Natural Gas From Canada

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of an order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Petro-Canada Hydrocarbons Inc. blanket authorization to import up to 150 Bcf of natural gas from Canada over a two-year term beginning on the date of the first import after March 3, 1993.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, October 23, 1992.

Charles F. Vacek,

*Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.*

[FR Doc. 92-26422 Filed 10-29-92; 8:45 am]

BILLING CODE 6450-01-M

**[FE Docket No. 92-37-NG]**

### Public Service Department, the City of Glendale, CA; Order Granting Long-Term Authorization to Import Natural Gas From Canada

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting the Public Service Department, City of

Glendale, California (Glendale) authorization to import up to 4,074 Mcf per day of natural gas from Canada, beginning on the date of first delivery, expected to be November 1, 1993, continuing through October 31, 1999.

A copy of this order is available for inspection and copying in the Office of Fuels Programs docket room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, October 23, 1992.

Charles F. Vacek,

*Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.*

[FR Doc. 92–26427 Filed 10–29–92; 8:45 am]

BILLING CODE 6450–01–M

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[FE Docket No. 92–36–NG]

## Public Service Department, the City of Burbank, CA.; Order Granting Long-Term Authorization to Import Natural Gas From Canada

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of order.

**SUMMARY:** The Office of Energy of the Department of Energy gives notice that it has issued an order granting the Public Service Department, City of Burbank, California (Burbank) authorization to import up to 4,817 Mcf per day of natural gas from Canada, beginning on the date of first delivery, expected to be November 1, 1993, continuing through October 31, 1999.

A copy of this order is available for inspection and copying in the Office of Fuels Programs docket room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, October 23, 1992.

Charles F. Vacek,

*Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.*

[FR Doc. 92–26428 Filed 10–29–92; 8:45 am]

BILLING CODE 6450–01–M

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[FE Docket No. 92–41–NG]

## Water and Power Department, the City of Pasadena, CA; Order Granting Long-Term Authorization to Import Natural Gas From Canada

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting the Water and Power Department, City of Pasadena, California (Pasadena) authorization to import up to 4,074 Mcf per day of natural gas from Canada, beginning on the date of first delivery, expected to be November 1, 1993, continuing through October 31, 1999.

A copy of this order is available for inspection and copying in the Office of Fuels Programs docket room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC October 23, 1992.

Charles F. Vacek,

*Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.*

[FR Doc. 92–26426 Filed 10–29–92; 8:45 am]

BILLING CODE 6450–01–M

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL 4528–3]

## National Drinking Water Advisory Council; Request for Nominations

The U.S. Environmental Protection Agency (EPA) invites all interested persons to nominate qualified individuals to serve as members of the National Drinking Water Advisory Council. This Advisory Council was established to provide practical and independent advice, consultation and recommendations to the Agency on the activities, functions and policies related to the implementation of the Safe Drinking Water Act as amended. The Council consists of fifteen members, including a Chairperson. Five members represent the general public; five members represent appropriate state and local agencies concerned with water hygiene and public water supply; and five members represent private organizations or groups demonstrating an active interest in the field of water hygiene and public water supply. Each member holds office for a term of three years and is eligible for reappointment. On December 15 of each year, five members complete their appointment. This notice solicits names to fill these five vacancies.

Any interested person or organization may nominate qualified individuals for membership. Nominees should be identified by name, occupation, position, address and telephone number. Nominations must include a current resume providing the nominee's background, experience, and qualifications.

Persons selected for membership will receive compensation for travel and a nominal daily compensation while attending meetings.

Nominations should be submitted to Charlene E. Shaw, Designated Federal Official, National Drinking Water Advisory Council, U.S. Environmental Protection Agency, Office of Ground Water and Drinking water (WH–550A), 401 M Street SW, Washington, DC 20460, no later than November 27, 1992. The agency will not formally acknowledge or respond to nominations.

Dated: October 23, 1992.

Carl Reeverts,

*Acting Director, Office of Ground Water and Drinking Water.*

[FR Doc. 92–26406 Filed 10–29–92; 8:45 am]

BILLING CODE 6560–50–M

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[ER–FRL–4527–5]

## Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared October 12, 1992 through October 16, 1992 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260–5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1992 (57 FR 12499).

### Draft EISs

ERP No. D–AFS–K65141–CA Rating EC2, Last Chance Helicopter Timber Sale, Harvesting Timber and Road Construction/Reconstruction, Plumas National Forest, Greenville Ranger District, Plumas County, CA.

*Summary*

EPA expressed environmental concerns regarding potential project impacts to water quality and about implementing any action that may contribute to this degraded condition unless there is a commitment from the Forest Service to improvement projects elsewhere in the watershed. EPA suggested more information be included in the FEIS on efforts to improve the watershed condition through projects in

or outside the proposed Last Chance sale area.

ERP No. D–AFS–L65169–OR Rating EO2, Mineral Hill and East Fork Pistol River Timber Sales and Other Projects, Land and Resource Management Plan, Implementation, Siskiyou National Forest, Chetco Ranger District, Curry County, OR.

*Summary*

EPA had environmental objections to the proposed project based on potential water quality standards violations; potential impacts to threatened species; the lack of an air quality impact analysis; the need for an indirect and cumulative effects analysis; and the need for complete and site-specific monitoring and mitigation discussions. Documentation of consultation requirements of section 7 of the Endangered Species Act is also needed.

ERP No. D–BLM–K20000–CA Rating EO2, Broadwell Basin Residuals Repository and Treatment Facility for Specified Hazardous Waste, Construction and Operation, Right-of-Way Grants, Mineral Material Sales Permits and COE Section 404 Permit, San Bernardino County, CA.

*Summary*

EPA expressed environmental objections with the proposed action due to potential project impacts to air quality, waters of the United States, and environmental risks posed by desiccation cracks. EPA requested further discussion in the FEIS regarding project compliance with section 404 of the Clean Water Act and noted that the proposal would contribute to violations of federal PM10 air quality standards and could have appreciable adverse impacts on adjacent wilderness study areas. EPA expressed environmental concerns with BLM's preferred alternative because that alternative could appreciably reduce impacts of concern and would not conflict with the county's policy on siting waste treatment facilities.

ERP No. D–COE–K39034–CA Rating EC2, Bel Marin Key Unit 5 (BMK5) Residential Community Construction and Development, Master Plan and Rezoning Application Approvals and Permits, Novato Creek, Marin County, CA.

*Summary*

EPA expressed objections regarding all "build" alternatives due to potential impacts to air quality, wetlands and waters of the United States and special species habitat. The Reduced Size Alternative is the only one that appears to be consistent with the local clean air plan and that would reduce impacts to special species habitat to an insignificant level. EPA also noted that the DEIS did not demonstrate compliance with section 404 of the Clean Water Act nor consistency with the Farmland Protection Policy Act.

ERP No. D–FHW–E40325–NC Rating EC2, Winston-Salem Northern Beltway (Western Section), Construction, from US 158 Northward to US 52, Funding and COE Section 404 Permit, Forsyth County, NC.

*Summary*

EPA expressed concerns for potential loss of wetlands, stream relocation, habitat loss and impacts from noise. EPA requested additional information on impacts to air quality.

ERP No. D–USN–C11007–00 Rating EC2, US East Coast Homeporting Program, (two AOE–6 Class) Fast Combat Support Ships, Implementation, Site Selection of Naval Weapons Station: Earle, Colts Neck, Monmouth Co., NJ; Yorktown, Gloucester Co., VA and Charleston, Charleston, Co., SC.

*Summary*

EPA expressed environmental concerns because the document does not sufficiently discuss the proposed project's impacts on aquatic ecosystems or measures to protect these resources. EPA recommended that additional information be provided in the final EIS to address these issues.

ERP No. DS–COE–E36035–MS Rating EC2, Upper Steele Bayou Flood Control Plan, Proposed Changes to the Unconstructed Portion of the Project, Boliver, Washington and Greenville Counties, MS.

*Summary*

EPA raised concerns about the long-term efficacy of the mitigation measures, viz., assurance that follow-up monitoring and necessary future management will be accomplished. Additionally, the final document should detail the Corps' acquisition strategy, i.e., information as to how mitigation property will mesh with the remaining large blocks of natural habitat in the project area.

ERP No. D1–FAA–K51029–CA Rating EC2, Burbank-Glendale-Pasadena Airport Land Acquisition and Replacement Terminal Project, Improvement, Construction and Operation, Approval and Funding, Airport Layout Plan, Cities of Burbank, Glendale and Pasadena, Los Angeles County, CA.

*Summary*

EPA expressed environmental concerns regarding potential project impacts to regional air quality and requested that the FAA adopt appropriate air quality mitigation measures. EPA requested clarification in the FEIS concerning hazardous substances contamination in the project area, urged the adoption of a comprehensive solid waste recycling program at the new terminal, and asked for more information concerning polychlorinated biphenyls (PCBs) in the project area.

**Final EISs**

ERP No. F–AFS–G65054–NM Hay Timber Sale, Timber Harvest and Road Construction, Implementation, Lincoln National Forest, Cloudcroft District, Otero County, NM.

*Summary*

EPA had no objections to the proposed project.

ERP No. F–AFS–L65179–WA Grouse Meadows Timber Sale and Road Construction, Implementation, Wenatchee National Forest, Naches Ranger District, Yakima County, WA.

*Summary*

Review of the Final EIS has been completed and the project found to be satisfactory. No formal letter was sent to the preparing agency.

ERP No. F–AFS–L67030–WA Kettle River Key Open-Pit Gold Mining Expansion Project, Construction and Operation, Plan of Operation Approval and NPDES Permit, Colville National Forest, Republic Ranger District, Ferry County, WA.

*Summary*

Review of the Final EIS has been completed and the project found to be satisfactory. No formal letter was sent to the preparing agency.

ERP No. FS–NPS–K61029–CA Yosemite National Park General Management Plan, Implementation and Updated Information, Concession Services Plan, Tuolumne, Mariposa, and Madera Counties, CA.

*Summary*

Review of the Final EIS was not deemed necessary. No formal letter was sent to the preparing agency.

Dated: October 27, 1992.

**William D. Dickerson,**

*Deputy Director, Office of Federal Activities.*

[FR Doc. 92–26416 10–29–92; 8:45 am]

BILLING CODE 6560–50–M

[ER-FRL-4527-4]

## Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260–5076 or (202) 260–5075. Availability of Environmental Impact Statements Filed October 19, 1992 Through October 23, 1992. Pursuant to 40 CFR 1506.9.

EIS No. 920412, FINAL EIS, BLM, CA, Redding Resource Area, Land and Resource Management Plan, Implementation, Ukiah District, Butte, Shasta, Siskiyou, Tehama and Trinity Counties, CA, Due: November 30, 1992, Contact: Mark Morse (916) 224–2100.

EIS No. 920413, DRAFT EIS, FHW, PA, US 22/322/PA–22 Section 002/River Route Improvements, from Dauphin Borough to Speeceville and a section of PA 225 through Dauphin Borough Improvements, Funding and section 404 Permit, City of Harrisburg, Dauphin County, PA, Due: December 18, 1992, Contact: Manuel A. Marks (717) 782–3461.

EIS No. 920414, FINAL EIS, BOP, MS, Yazoo City, Mississippi Federal Correctional Complex, Construction and Operation, Possibly Consisting of a High Security U.S. Penitentiary, Medium Security Federal Correctional Institution and Minimum Security Federal Prison, Site Selection and Possible COE section 404 Permit, Yazoo City, Yazoo County, MS, Due: November 30, 1992, Contact: Patricia Sledge (212) 514–6470.

EIS No. 920415, FINAL EIS, GSA, MN, Minneapolis Federal Building and U.S. Courthouse Improvement and Expansion or New Construction, Implementation, Hennepin County, MN, Due: November 30, 1992, Contact: Maureen Pudlowski Strasheim (612) 348–1450.

EIS No. 920416, DRAFT SUPPLEMENT, BLM, CA, Ward Valley Low-Level Radioactive Waste Disposal Facility, Additional Information concerning a Direct Sale Alternative, Site Selection, Construction and Operation. Funding and Right-of-Way Grants, San Bernardino County, CA, Due: December 28, 1992, Contact: Douglas Romoli (714) 697–5237.

EIS No. 920417, REVISED DRAFT EIS, AFS, CA, Lake Tahoe Basin Management Unit (LTBMU) Forest Plan, New Information concerning the Lake of the Sky Visitor Information or Interpertive Center and Community Parking Development Project to Comply with the LTBMU Forest Plan, Tahoe City, Lake Tahoe, Placer County, CA, Due: December 14, 1992, Contact: Jackie Faike (916) 573–2600.

EIS No. 920418, DRAFT EIS, FRC, CA, Lower Mokelumne River Hydroelectric Project Modifications, Licensing (FERC No. 2916.004), Parts of Pardee and Camanhe Dams, Mokelumne River, CA, Due: December 28, 1992, Contact: John A. Schnagl (202) 219–2661.

EIS No. 920419, DRAFT EIS, UAF, NC, Pope Air Force Base (AFB) Beddown of a Composite Wing under the Air Combat Command (ACC), Implementation, NC, Due: December 14, 1992, Contact: Stephanie Stevenson (804) 764–7844.

### Amended Notices

EIS No. 920376, DRAFT EIS, AFS, WY, Grand Targhee Ski Area Expansion Master Development Plan, Implementation, Targhee National Forest, Teton County, WY, Due: November 20, 1992, Contact: Lynn Ballard (206) 624–3151.

Dated: October 27, 1992.

**William D. Dickerson,**

*Deputy Director, Office of Federal Activities.*

[FR Doc. 92–26421 Filed 10–29–92; 8:45 am]

BILLING CODE 6560–50–M

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[FRL 4528–4]

## National Drinking Water Advisory Council; Open Meeting

Under section (1)(a)(2) of Public Law 92–423, "The Federal Advisory Committee Act," notice is hereby given that a meeting of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended (Pub. L. 99–339), will be held at 9 a.m. on November 19, 1992, and at 8:30 a.m. on November 20, 1992, at the Omni Georgetown Hotel, 2121 P Street, NW., Washington, DC. Council Subcommittees will hold their meeting at EPA Headquarters on November 17 and 18, 1992.

The purpose of the meeting will be to seek Council advice and comments on major program issues. These issues include, but are not limited to: Updates on the Disinfection/Disinfection By-Products Regulatory Negotiation Process, Phase VIb, Proposed ground Water Disinfection Rule, Comprehensive State Groundwater Protection Guidance, Class I and II Underground Injection Wells, Legislation and State Primacy. Implementation of the Lead and Copper Rule and the Phases II and V (Organics and Inorganics) Rules will also be discussed.

The meeting will be open to the public. The Council encourages the hearing of outside statements and will allocate a portion of its meeting time for public participation. Oral statements will be limited to ten minutes. It is preferred that there be only one presenter for each statement. Any outside parties interested in presenting an oral statement should petition the Council by telephone at (202) 260–2285. The petition should include the topic of the proposed statement, the petitioner's telephone number and should be received by the Council before November 13, 1992.

Any person who wishes to file a written statement can do so before or after a Council meeting. Written statements received prior to the meeting will be distributed to the members before any final discussion or vote is completed. Statements received after the meeting will become part of the permanent meeting file and will be forwarded to the Council members for their information.

Any members of the public wishing to attend the Council meeting, present an oral statement, or submit a written statement, should contact Ms. Charlene Shaw, Designated Federal Official, National Drinking Water Advisory Council, U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water (WH–550A), 401 M Street, SW., Washington, DC 20460 or at (202) 260–2285.

Dated: October 23, 1992.

**Carl Reeverts,**

*Acting Director, Office of Ground Water and Drinking Water.*

[FR Doc. 92–26407 Filed 10–29–92; 8:45 a.m.]

BILLING CODE 6560–50–M

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[FRL–4528–9]

## Faculty Development Subcommittee Meeting of the National Enforcement Training Institute (NETI) Advisory Council; Open Meeting

**AGENCY:** Office of Enforcement, EPA.

**TIME AND PLACE:** November 18, 1992 from 3:30 to 5:30 at the Hall of States, National Association of Attorneys General (NAAG) Conference Room, located at 444 North Capitol Street, NE. in Washington, DC.

**AGENCY:** The purpose of the meeting is to discuss the Draft NETI strategic plan and how it relates to faculty development and the Faculty Development Plan. In addition, structural changes in the make-up of the group will be discussed.

**PUBLIC PARTICIPATION:** The meeting is open to the public. Limited seating for interested members of the public is available on a first-come, first served basis.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lisa Nelson, NETI, Office of Enforcement, Mail Code LE-133, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; telephone (202) 260-8782; telefax: (202) 260-7839.

Dated: October 26, 1992.

**Lisa L. Nelson,**

*Senior Program Analyst, National Enforcement Training Institute.*

[FR Doc. 92-26408 Filed 10-29-92; 8:45 am]

BILLING CODE 6560-01-M

[FRL 4528-4]

## Proposed Administrative Cost Recovery Agreement Under Section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act, Regarding the Philmar Electronics Site, Morrisonville, NY

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed administrative agreement and opportunity for public comment.

In accordance with section 122(i) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980, as amended ("CERCLA"), the U.S. Environmental Protection Agency ("EPA") Region II announces a proposed settlement pursuant to section 122(h)(1) of CERCLA, relating to the Philmar Electronics Site ("Site") in Morrisonville, Clinton County, New York. This Site is not on the National Priorities List established pursuant to section 105(a) of CERCLA. This notice is being published to inform the public of the proposed settlement and of the opportunity to comment.

The settlement, memorialized in an Administrative Cost Recovery Agreement ("Agreement"), is being entered into by EPA and the United States Air Force ("USAF"). Under the Agreement, USAF shall pay EPA the sum of $396,398.09, in reimbursement of the past response costs incurred by EPA with respect to the Site as of approximately March 31, 1992.

**DATES:** EPA will accept written comments relating to the proposed settlement until November 30, 1992.

**ADDRESSES:** Comments should be sent to: Eric Schaaf, Chief, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 26 Federal Plaza, room 437, New York, N.Y. 10278. For a copy of the Agreement, contact the individual listed below.

**FOR FURTHER INFORMATION CONTACT:** Juan M. Fajardo, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 26 Federal Plaza, room 437, New York, New York, 10278. Telephone: (212) 264-6455.

Dated: September 30, 1992.

**Constantine Sidamon-Eristoff,**

*Regional Administrator.*

[FR Doc. 92-26405 Filed 10-29-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL 4528-5]

## Public Water Supply Supervision Program Revision for the Commonwealth of Kentucky

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Commonwealth of Kentucky is revising its approved State Public Water Supply Supervision Primacy Program. Kentucky has adopted drinking water regulations for treatment of surface water and the regulation of total coliforms. EPA has determined that these sets of State program revisions are no less stringent than the corresponding federal regulations. Therefore, EPA has tentatively decided to approve these State program revisions.

All interested parties may request a public hearing. A request for a public hearing must be submitted by November 30, 1992, to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by November 30, 1992, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on November 30, 1992.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; (3) The signature of the individual making the request, or, if the request is made on behalf of an organization of other entity, the signature of a responsible official of the organization or other entity.

**ADDRESSES:** All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Kentucky Natural Resources and Environmental Protection Cabinet, Drinking Water Branch, Fort Boone Plaza, 18 Reilly Road, Frankfort, Kentucky 40601

Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365

**FOR FURTHER INFORMATION CONTACT:** Philip H. Vorsatz, EPA, Region IV Drinking Water Section at the Atlanta address given above (telephone (404) 347-2913).

Dated: October 20, 1992.

**Patrick M. Tobin,**

*Acting Regional Administrator, EPA, Region IV.*

[FR Doc. 92-26402 Filed 10-29-92; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

[PR Docket No. 92-189; DA 92-1409]

## Private Land Mobile Radio Services; Georgia Public Safety Plan

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** The Chief, Private Radio Bureau and the Chief Engineer released this order accepting the Public Safety Radio Plan for Georgia (region 10). As a result of accepting the plan for region 10, licensing of the 821-824/866-869 MHz band in that region may begin immediately.

**EFFECTIVE DATE:** October 19, 1992.

**FOR FURTHER INFORMATION CONTACT:** Betty Woolford, Private Radio Bureau, Policy and Planning Branch, (202) 632-6497.

**SUPPLEMENTARY INFORMATION:**

### Order

*Adopted:* October 9, 1992.

*Released:* October 19, 1992.

By the Chief, Private Radio Bureau and the Chief Engineer:

1. On April 7, 1992 Region 10 (Georgia) submitted its Public Safety Plan to the Commission for review. The Plan sets forth the guidelines to be followed in allotting spectrum to meet current and future mobile communications requirements of the public safety and

special emergency entities operating in Georgia.

2. The Georgia Plan was placed on Public Notice for comments on August 11, 1992, 57 FR 37165 (August 18, 1992). The Commission received no comments in this proceeding.

3. We have reviewed the Plan submitted for Georgia and find that it conforms with the National Public Safety Plan. The plan includes all the necessary elements specified in the Report and Order in Gen. Docket No. 87-112, 3 FCC Rcd 905 (1987), and satisfactorily provides for the current and projected mobile communications requirements of the public safety and special emergency entities in Georgia.

4. Therefore, we accept the Georgia Public Safety Radio Plan. Furthermore, licensing of the 821-824/866-869 MHz band in Georgia may commence immediately.

Federal Communications Commission.

**Ralph A. Haller,**

*Chief, Private Radio Bureau.*

[FR Doc. 92-26144 Filed 10-29-92; 8:45 am]

BILLING CODE 6712-01-M

## APPLICATIONS FOR CONSOLIDATED HEARING; BAKCOR BROADCASTING, INC.

1. The Commission has before it the following mutually exclusive applications for renewal of license of Station KKIK(FM), Lubbock, Texas; and for a new noncommercial FM station at Lubbock, Texas:

| Applicant; City and State | File No. | MM docket No. |
|---|---|---|
| A. Bakcor Broadcasting, Inc.; Lubbock, Texas. | BRH-900330VV | 92-253 |
| B. Southwest Educational Media Foundation of Texas, Inc.; Lubbock, Texas. | BPED-900629MK | ..... |

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each issue has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, published May 29, 1986. The letter shown before each applicant's name is used below to signify whether the issue applies to that particular applicant.

*Issue Heading and Applicant*

1. Environmental Impact; B
2. Comparative; A, B
3. Ultimate; A, B

3. A copy of the complete Hearing Designation Order in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC 20554. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone [202] 857-3800).

**W. Jan Gay,**

*Assistant Chief, Audio Services Division Mass Media Bureau.*

[FR Doc. 92-26343 Filed 10-29-92; 8:45 am]

BILLING CODE 6712-01-M

## FEDERAL MARITIME COMMISSION

### Compania Anonima Venezolana de Navegacion et al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

*Agreement No.:* 203-011383-004.

*Title:* Venezuelan Discussion Agreement.

*Parties:*

Compania Anonima Venezolana de Navegacion,
Inagua Lines, Inc.,
King Ocean Services de Venezuela, S.A.,
Ocean Express Lines, Inc.,
Venezuelan/American Maritime Association,
Venezuela Transport Line, Inc.

*Synopsis:* The proposed amendment adds a new Article 5(f) to the Agreement to authorize the parties to meet, discuss, negotiate and enter into agreements with any shipper, shipper's association, or shipper group concerning any matter within the Agreement's authority. It also clarifies Article 5(b) of the Agreement by confirming the parties' authority to agree to aggregate the volume of cargo for purposes of time volume rates that are separately published in their individual tariffs.

*Agreement No.:* 224-200576-003.

*Title:* Jacksonville/Blue Star Pace Terminal Agreement

*Parties:*

Jacksonville Port Authority,
Blue Star Pace Limited.

*Synopsis:* The amendment modifies provisions pertaining to the commencement of throughput charges as well as rental and other rates under the Agreement.

Dated: October 26, 1992.

By Order of the Federal Maritime Commission.

**Ioseph C. Polking,**

*Secretary.*

[FR Doc. 92-26322 Filed 10-29-92; 8:45 am]

BILLING CODE 6730-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### President's Committee on Mental Retardation; Meeting

*Agency Holding the Meeting:* President Committee on Mental Retardation.

*Time and Date:* Executive Committee Meeting, Monday, November 30, 1992, 8 a.m.-9 a.m.

Full Committee Meeting, November 30-December 1, 1992, 9:30 a.m.-5 p.m.

*Place:* Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, Virginia 22202.

*Status:* Meetings are open to the public. An interpreter for the deaf will be available upon advance request. All locations are barrier free.

*Matters to be Considered:* Reports by members of the Executive Committee of the President's Committee on Mental Retardation (PCMR) will be given. The Committee plans to discuss critical issues concerning prevention, family and community services, full citizenship, public awareness and other issues relevant to the PCMR's goals.

*The PCMR:* (1) Acts in an advisory capacity to the President and the Secretary of the Department of Health and Human Services on matters relating to programs and services for persons with mental retardation; and (2) is responsible for evaluating the adequacy of current practices in programs for the retarded, and reviewing legislative

proposals that affect persons with mental retardation.

**CONTACT PERSON FOR MORE INFORMATION:** Sambhu N. Banik, Ph.D, Wilbur J. Cohen Building, room 5325, 330 Independence Avenue, SW., Washington, DC 20201–0001. (202) 619–0634.

Dated: October 14, 1992.

**Sambhu N. Banik,**

*Executive Director, PCMR.*

[FR Doc. 92–26391 Filed 10–29–92; 8:45

BILLING CODE 4130–01–M

## National Institutes of Health

### National Cancer Institute; Meeting of the Cancer Biology-Immunology Contracts Review Committee (Subcommittees A, B, and D)

Pursuant to Public Law 92–463, notice is hereby given of a joint meeting of Subcommittees A, B, and D of the Cancer Biology-Immunology Contracts Review Committee, National Cancer Institute, National Institutes of Health, October 29 and 30, 1992, at the Executive Plaza North Building, Conference Room H, 6130 Executive Boulevard, Rockville, Maryland 20892.

This meeting will be open to the public on October 29 from 8:30 a.m. to 9:30 a.m. to discuss administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section. 10(d) of Public Law 92–463, the meeting will be closed to the public on October 29 from 9:30 a.m. to adjournment for the review, discussion, and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892, Tel. 301/496–5708, will provide summaries of the meeting and rosters of committee members upon request.

Dr. Lalita D. Palekar, Scientific Review Administrator, Cancer Biology-Immunology Contracts Review Committee, 5333 Westbard Avenue, room 805, Bethesda, Maryland 20892, Tel. 301/496–7575, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control)

Dated: October 21, 1992.

**Susan K. Feldman,**

*Committee Management Officer, NIH.*

[FR Doc. 92–26482 Filed 10–28–92; 11:09 am]

BILLING CODE 4140–01–M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Community Planning and Development

**[Docket No. N–92–1917; FR–3350–N–03]**

### Federal Property Suitable as Facilities to Assist the Homeless

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

**EFFECTIVE DATE:** October 30, 1992.

**ADDRESSES:** For further information, contact James Forsberg, Department of Housing and Urban Development, room 7262, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–4300; TDD number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free title V information line at 1–800–927–7588.

**SUPPLEMENTARY INFORMATION:** In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: October 23, 1992.

**Paul Roitman Bardack,**

*Deputy Assistant Secretary for Economic Development.*

[FR Doc. 92–26186 Filed 10–29–92; 8:45 am]

BILLING CODE 4210–29–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Social Security Administration

### Social Security Administration Procedures Concerning Allegations of Bias or Misconduct by Administrative Law Judges

**AGENCY:** Social Security Administration, HHS.

**ACTION:** Notice of procedures.

**EFFECTIVE DATE:** October 30, 1992.

**FOR FURTHER INFORMATION CONTACT:** Sarah Humphreys, Special Counsel Staff, Social Security Administration, Office of Hearings and Appeals, Post Office Box 3200, Arlington, Virginia 22203–0200, (703) 305–1170.

The Office of Hearings and Appeals (OHA) of the Social Security Administration (SSA) is responsible for administering an objective and impartial hearings system for claimants dissatisfied with determinations made on claims for Social Security benefits and Supplemental Security Income payments. OHA is responsible for issuing decisions made by Administrative Law Judges under titles II and XVI of the Social Security Act. The decisions may be reviewed by Administrative Appeals Judges on SSA's Appeals Council.

SSA is committed to providing every claimant and his or her representative fair and unbiased treatment in the handling of all claims buy its OHA hearing offices. SSA is also committed to ensuring that claimants and their representatives are afforded timely opportunities to raise any complaints that they may have about alleged bias or misconduct by Administrative Law Judges, and to have their complaints reviewed or investigated.

Procedures designed to achieve these goals are being issued by SSA and will ensure that:

—All claimants and their representatives will be informed of the complaint procedures available through instructions posted in all OHA offices;

—The receipt of every complaint will be acknowledged in writing promptly by OHA and each complainant and his or her representative, if any, will be informed how the complaint will be handled;

—Every complaint will be reviewed or investigated in a timely manner by an official who was not invoived in the alleged improper conduct;

—Every complainant and his or her representative will receive written

notification of the results of the review or investigation; and

—Complaints will be reviewed or investigated in a manner which will not disrupt or affect the outcome of any pending hearing or appeal initiated by the complaining party. This may require that the review or investigation of the complaint be limited or postponed until after issuance of a decision.

The key features of the procedures are:

—Complaints may be filed at any OHA office, including any OHA hearing office, any OHA Regional Office, or at OHA headquarters in Falls Church, Virginia, or any other SSA office;

—Complainants and their representatives will be notified promptly in writing that the complaint has been received. They will also be informed that the complaint will be reviewed or investigated promptly, unless to do so would disrupt or delay a pending hearing or decision on a claim. In addition, they will be notified that they will be informed of the results of the review or investigation;

—The official in charge of the office where the complaint is filed will forward the complaint to the appropriate Regional Chief Administrative Law Judge, who will conduct or direct an initial inquiry to determine the facts pertinent to the complaint. If the Regional Chief Administrative Law Judge is the individual accused of alleged bias or misconduct, the complaint will be referred to the Special Counsel in the Office of the Associate Commissioner, OHA;

—An Administrative Law Judge accused of bias or misconduct will be informed of the complaint by the Regional Chief Administrative Law Judge and given an opportunity to comment on the complaint;

—The Regional Chief Administrative Law Judge will review the results of the initial inquiry and forward a report of the facts developed to the Chief Administrative Law Judge at OHA headquarters;

—The Chief Administrative Law Judge will determine whether the inquiry merits an investigation, and if so, will forward the complaint to the OHA Special Counsel for investigation;

—If the investigation supports a finding that bias or misconduct has occurred, the Associate Commissioner for Hearings and Appeals will determine, in consultation with the Chief Administrative Law Judge and the OHA Special Counsel, if necessary, the appropriate administrative action to be taken and he or she will take such action;

—Following completion of the review or investigation, the complainant and his or her representative will be notified in writing of its results. The claimant and his or her representative will also be notified of any action taken with respect to the complainant's claim for benefits;

—If a complaint is filed after a decision by an Administrative Law Judge on a claim for benefits has been issued, but before the expiration of the time for filing a request for review by the Appeals Council, the claimant and his or her representative will be notified in writing that, in accordance with Agency regulations and OHA Hearings, Appeals and Litigation Law (HALLEX) manual instructions, the complaint may be presented to the Appeals Council as a basis for granting review; that the allegations will be reviewed as part of the request for review; and that, regardless of the final decision on the merits of the claim for benefits, the complainant and his or her representative will be informed of the results of the review.

—The official in charge of the office where the complaint is filed with promptly forward a copy of all complaints to the OHA Special Counsel. The OHA Special Counsel will monitor the handling and disposition of all complaints, and will serve as a source of guidance and expertise on the conduct of reviews and investigations and appropriate administrative action. In all cases of complaints of alleged bias or misconduct against groups of claimants, or allegations of a pattern of biased conduct, the Chief Administrative Law Judge will consult with the OHA Special Counsel and the Associate Commissioner for Hearings and Appeals concerning the investigation of such complaints and the appropriate administrative actions to be taken. In addition, the Special Counsel will collect and analyze data concerning the complaints, which will assist in the detection of recurring incidences of bias or misconduct and patterns of improper behavior which may require further review and action.

These procedures will be available for examination and copying at any OHA hearing office or may be obtained by writing: Social Security Administration, Office of Hearings and Appeals, Post Office Box 3200, Arlington, Virginia 22203–0200.

The procedures described in this notice are in addition to OHA HALLEX instructions I–3–125 and regulations at 20 CFR 404.940 and 416.1440. They will remain in effect until further notice. Additional procedures are under development. They should be finalized in approximately six months.

Dated: October 26, 1992.

**Louis D. Enoff,**

*Principal Deputy Commissioner of Social Security.*

[FR Doc. 92–26342 Filed 10–29–92; 8:45 am]

BILLING CODE 4190–29–M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[WY–920–03–4120–03]**

### Competitive Coal Lease Sale; West Rocky Butte Tract, Campbell Co., WY

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Competitive Coal Lease Sale; West Rocky Butte Tract, WYW122586.

**SUMMARY:** Notice is hereby given that certain coal resources in the West Rocky Butte Tract described below in Campbell County, Wyoming, will be offered for competitive lease by sealed bid in accordance with the provisions of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.).

**DATES:** The lease sale will be held at 2 p.m., on Thursday, December 3, 1992. Sealed bids must be submitted on or before 4 p.m., on Wednesday, December 2, 1992.

**ADDRESSES:** The lease sale will be held in the third floor conference room of the Wyoming State Office, 2515 Warren Avenue, Cheyenne, Wyoming 82001. Sealed bids must be submitted to the Cashier, Wyoming State Office, at the address given above, or to the Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82003–1828.

**FOR FURTHER INFORMATION CONTACT:** Laura Steele, Land Law Examiner or Eugene Jonart, Coal Coordinator at (307) 775–6250.

**SUPPLEMENTARY INFORMATION:** This coal lease sale is being held in response to an application for a coal lease sale from Northwestern Resources Co., of Butte, Montana. The coal resources to be offered consist of all reserves recoverable by surface mining methods in the following described lands located in Campbell County, Wyoming, approximately 10 miles southeast of the city of Gillette, Wyoming:

T. 48 N., R. 71 W., 6th P.M., Wyoming

Sec. 5: Lots 7 thru 9, 16 and 17;
Sec. 6: Lots 8, 14 (E2), 15, 16 and 23 (E2);
Sec. 7: Lot 5 (E2);
Sec. 8: Lot 4;
T. 48 N., R. 71 W., 6th P.M., Wyoming
Sec. 32: Lot 15.
Containing 463.205 acres.

The West Rocky Butte tract, located adjacent to the existing Rocky Butte Tract Federal coal lease, WYW78633, held by Northwestern Resources Co., contains Fort Union Formation coal of the Wyodak-Anderson zone. Up to three minable coal seams (referred to as the Upper, Middle, and Lower coals) occur in this coal zone in this area. The Upper coal is the main seam, averaging approximately 67.5 feet thick over the entire West Rocky Butte Tract. The Middle coal of the Fort Union Formation is absent from the West Rocky Butte Tract; however, the Lower coal of the Fort Union Formation, present over a small area in the northeast portion of the West Rocky Butte Tract, averages about 21 feet thick. The Upper coal in the tract is estimated to consist of 55.5 million tons of in-place coal reserves and an estimated 1.2 million tons of in-place reserves in the Lower coal. The tract area has an average overall stripping ratio of approximately 3.75 BCY (Bank Cubic yards) overburden/ton of in-place coal. The Upper and Lower coals combined contained an estimated 55.0 million tons of recoverable coal (56.7 million tons of in-place coal). The coal rank is subbituminous C. Average in-place quality for the Upper coal is 8,354 BTU/LB., 4.30% ash, 0.27% sulfur, and 31.0% moisture. Average in-place quality for the Lower coal is 7,871 BTU/LB., 7.20% ash, 0.40% sulfur, and 31.0% moisture. This places the coal reserves in the West Rocky Butte Tract at the lower end of the quality range for coal being mined in the southern Powder River Basin.

The tract in this lease offering consists of split estate lands where the surface is owned by qualified surface owners. Consents granted by the surface owners have been filed with and verified by the Bureau of Land Management. The consents, consisting of agreements dated December 14, 1976, July 1, 1980, and October 2, 1992, setting out the terms and conditions, including the purchase price, are a part of the detailed statement for the sale.

Bids for the tract will be in the form of sealed bids. Sealed bids should be sent by "Certified Mail, Return Receipt Requested", or be hand delivered to the Cashier, Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82003–1828. Bids received after 4 p.m., on Wednesday, December 2, 1992, will not be considered and will be returned to the sender.

If the applicant for the lease by application is not the successful bidder, the BLM may evaluate the existing National Environmental Policy Act documentation for the tract to determine if further analysis may be necessary, which could lead to a delay in lease issuance.

Any lease issued as a result of this offering will provide for payment of an annual advance rental of $3.00 per acre or fraction thereof per year and of a royalty payable to the United States of 12½ per cent of the value of coal produced by strip or augur mining methods and 8 per cent of the value of the coal produced by underground mining methods. The value of the coal will be determined in accordance with 30 CFR 203.250.

Bidding instructions for the tract offered and the terms and conditions of the proposed coal lease are contained in the Detailed Statement available from the Wyoming State Office Public Information Desk at the addresses above. Case file documents, WYW122586, are also available for inspection at the Wyoming State Office.

**Dale Wadleigh,**

*Acting Chief, Branch of Mining Law & Solid Minerals.*

[FR Doc. 92–26415 Filed 10–29–92; 8:45 am]

BILLING CODE 4310-22-M

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**[MT-020-93-4210-01]**

## Miles City District Advisory Council; Meeting

**AGENCY:** Bureau of Land Management, Montana, Miles City District Office, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** The Miles City District Advisory Council will meet Tuesday, December 8, 1992 at 1 p.m. The meeting will be held at the Montana Power Company conference room located on Willow Street in Colstrip, Montana. Agenda items to be discussed include: Access across state lands, FY 93 budget, annual work plans, plan amendment for Fort Meade, Pompeys Pillar National Historic Landmark, Bull Mountain land exchange proposal and PILT payments.

The meeting is open to the public. The public may make oral statements before the Council or file written statements for the Council to consider. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established. Summary minutes of the meeting will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

**FOR FURTHER INFORMATION CONTACT:** District Manager, Miles City District, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301 or phone (406) 233–4331.

**Darrel G. Pistorius,**

*Acting District Manager.*

[FR Doc. 92–26376 Filed 10–29–92; 8:45 am]

BILLING CODE 4310-DN-M

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**[NV-930-93-4210-05; N-55659]**

## Notice of Realty Action; Lease/Purchase for Recreation and Public Purposes, Clark County, NV

The following described public land in Las Vegas, Clark County, NV has been identified and examined and will be classified as suitable for lease/purchase under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The lands will not be offered for lease/purchase until at least 60 days after the date of publication of this notice in the **Federal Register**.

**Mount Diablo Meridian, NV**

T. 20 S., R. 62 E.
Sec. 14: SW¼SW¼SW¼SW¼
Aggregating 2.5 acres (gross).

The American Legion Lockhart Post #14 intends to use the land for construction of a Post facility. The lease and/or patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe, and will be subject to:

1. An easement for streets, roads, public utilities, and flood control purposes in accordance with the transportation plan for Clark County/the City of Las Vegas.

2. Those rights for power transmission and irrigation project purposes which have been granted to Bureau of Reclamation by Permit No. Nev–1521 under the Act of December 5, 1924.

3. Those rights for a natural gas line purposes which have been granted to Southwest Gas Corp. by Permit No

Nev–061333 under the Act of February 25, 1920.

The land is not required for any federal purpose. The lease/purchase is consistent with the Bureau's planning for this area.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, NV.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for recreation and public purposes, leasing under the mineral leasing laws, and disposals of mineral materials.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, NV 89126. Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the classification of the lands described in this Notice will become effective 60 days from the date of publication in the **Federal Register**.

Dated: October 19, 1992.

**Ben F. Collins,**

*District Manager, Las Vegas, NV.*

[FR Doc. 92–26315 Filed 10–29–92; 8:45 am]

BILLING CODE 4310–HC

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[CA–940–93–4730–12]

## Filing of Plats of Survey; California

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The purpose of this notice is to inform the public and interested State and local government officials of the latest filing of Plats of Survey in California.

**EFFECTIVE DATE:** Filing was effective at 10 a.m. on the date of submission to the Bureau of Land Management (BLM) California State Office, Public Room.

**FOR FURTHER INFORMATION CONTACT:** Clifford A. Robinson, Chief, Branch of Cadastral Survey, Bureau of Land Management (BLM), California State Office, 2800 Cottage Way, Room E–2845, Sacremento, CA 95825, 916–978–4775.

**SUPPLEMENTARY INFORMATION:** The plats of Survey of lands described below have been officially filed at the California State Office, Sacramento, CA.

**Mount Diablo Meridian, California**

T. 17 N., R. 16 E.—Dependent resurvey and metes-and-bounds survey of tract 37, (Group 1115) accepted September 1, 1992, to meet certain administrative needs of the U.S. Forest Service Tahoe National Forest

T. 4 S., R. 6 W.—Metes-and-bounds survey within Rancho San Pedro, (Group 1023) accepted September 10, 1992 to meet certain administrative needs of the National Park Service, Golden Gate National Recreation Area.

T. 15 N., R. 8W.—Dependent resurvey, (Group 1071) accepted September 10, 1992, to meet certain administrative needs of the U.S. Forest Service, Mendocino National Forest.

T 6 D., R. 19 E.—Supplemental plat of the NW ¼ section 5, accepted September 9, 1992, to meet certain administrative needs of the BLM, Bakersfield District, Hollister Resource Area.

T. 23 S., R. 18 E.—Dependent resurvey, and subdivision, (Group 1070) accepted September 23, 1992, to meet certain administrative needs of the BLM, Bakersfield District Caliente Resource Area.

**San Bernardino Meridian, California,**

T. 14 N., R. 17 E.—Supplemental plat of section 24, accepted August 19, 1992, to meet certain administrative needs of the BLM, California Desert District, Needless Resource Area.

T. 14 N., R. 18 E.—Supplemental plat of the SW ¼ section 19, and W ½ section 30, accepted August 19, 1992, to meet certain administrative needs of the BLM, California Desert District, Needles Resource Area.

T. 3 S., R. 14 E.—Supplemental plat of the SE ¼ section 28, accepted August 31, 1992, to meet certain administrative needs of the BLM, California Desert District, Palm Springs/S. Coast Resource Area.

T. 1 S., R. 18 W.—Dependent resurvey, and informative traverse, (Group 1118) accepted September 10, 1992, to meet certain administrative needs of the National Park Service, Santa Monica Mountains Recreation Area.

T. 1 S., R. 19 W.—Dependent resurvey, and informative traverse, (Group 1118) accepted September 10, 1992, to meet certain administrative needs of the National Park Service, Santa Monica Mountains Recreation Area.

T. 6 N., R. 6 W.—Dependent resurvey and subdivision of sections 7 and 9, (Group 1110) accepted September 10, 1992, to meet certain administrative needs of the BLM, California Desert District, Barstow Resource Area.

T. 6 N., R. 7 W.—Dependent resurvey and subdivision of sections 4 and 12, (Group 1110) accepted September 10, 1992, to meet certain administrative needs of the BLM, California Desert District, Barstow Resource Area.

T. 7 N., R. 6 W.—Dependent resurvey, (Group 1110) accepted September 10, 1992, to meet certain administrative needs of the BLM, California Desert District, Barstow Resource Area.

R. 7 N., R. 7 W.—Dependent resurvey, and subdivision of sections, (Group 1110) accepted September 10, 1992, to meet certain administrative needs of the BLM, California Desert District, Barstow Resource Area.

T. 5 S., R. 1 E.—Dependent resurvey, and metes-and-bounds survey, (Group 1078) accepted September 29, 1992, to meet certain administrative needs of the BLM, California Desert District, Palm Springs/South Coast Resource Area.

All of the above listed survey plats are now the basic record for describing the lands for all authorized purposes. The survey plats will be placed in the open files in the BLM, California State Office, and will be available in the public as a matter of information. Copies of the survey plats and related field notes may be furnished to the public upon payment of the appropriate fee.

Dated: October 22, 1992.

**Clifford A . Robinson,**

*Chief, Branch of Cadastral Survey.*

[FR Doc. 92–26377 Filed10–29–92; 8:45 am]

BILLING CODE 4310–40–M

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[NV–940–02–4212–22]

## Filing of Plats of Survey; Nevada

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The purpose of this notice is to inform the public and interested State and local government officials of the latest filing of Plats of Survey in Nevada.

**EFFECTIVE DATE:** Filing was effective at 10 a.m. on October 19, 1992.

**FOR FURTHER INFORMATION CONTACT:** John S. Parrish, Chief, Branch of Cadastral Survey, Bureau of Land Management (BLM), Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, NV 89520, (702)–785–6543.

**SUPPLEMENTARY INFORMATION:** 1. The Plat of Survey of lands described below was officially filed at the Nevada State Office, Reno, NV on October 19, 1992:

**Mount Diablo Meridian, NV**

T. 2 N., R. 42 E.—Dependent Resurvey.

2. This survey was accepted August 13, 1992, and was executed to meet certain administrative needs of the Bureau of Land Management.

3. The Plats of Survey of lands described below were also officially filed at the Nevada State Office, Reno, NV on October 19, 1992:

T. 19 N., R. 31 E.—Dependent Resurvey and Survey.

T. 20 N., R. 32 E.—Dependent Resurvey and Survey.

4. These surveys were accepted August 31, 1992, and were executed to meet certain administrative needs of the United States Department of Interior, Fish and Wildlife Service.

5. The above-listed surveys are now the basic record for describing the lands for all authorized purposes. These surveys will be placed in the open files in the BLM Nevada State Office and will be available to the public as a matter of information. Copies of the surveys and related field notes may be furnished to the public upon payment of the appropriate fees.

**Robert G. Steele,**

*Deputy State Director, Nevada.*

[FR Doc. 92-26308 Filed 10-29-92; 8:45 am]

BILLING CODE 4310-HC-M

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**[ID-943-4210-06; IDI-15344, IDI-15694, IDI-2930]**

## Proposed Continuation of Withdrawals; Idaho

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Land Management proposes that the withdrawals of 2545.98 acres of public land for Powersite Reserve No. 3 and Powersite Classification Nos. 417 and 460 continue for an additional twenty years. The land is still needed for waterpower purposes. These lands will remain closed to surface entry, but have been and will remain open to mineral leasing and mining.

**DATES:** Comments should be received on or before January 28, 1993.

**FOR FURTHER INFORMATION CONTACT:** Larry R. Lievsay, Idaho State Office, BLM, 3380 American Terrace, Boise, Idaho 83706, (208) 384-3166.

The Bureau of Land Management proposes that the existing land withdrawals made by the Secretarial Order dated January 10, 1911, for Powersite Reserve No. 3, the U.S.G.S. Order dated June 27, 1951, for Powersite Classification No. 417 and Public Land Order 4945, for Powersite Classification No. 460, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, insofar as they affect the following described land:

**Boise Meridian**

(IDI-15344)

T. 2 S., R. 38 E.,
Sec. 8, lot 3;
Sec. 17, lots 6 to 10 inclusive;
Sec. 20, lots 5 to 8 inclusive;
Sec. 29, lots 5 to 7 inclusive.
T. 3 S., R. 38 E.,
Sec. 10, lots 1 to 4 inclusive;
Sec. 11, lots 1 and 2;
Sec. 13, lots 1 to 4 inclusive;
Sec. 14, lots 1 and 2;
Sec. 24, lots 1 to 3 inclusive, and NW¼SE¼.

(IDI-15694)

T. 40 N., R. 8 E., (unsurveyed)

Every smallest legal subdivision any part of which, when surveyed, will be adjacent to the North Fork of the Clearwater River under an altitude of 1860 feet. Protraction of existing surveys indicates that the lands when surveyed will be in secs. 3, 4, 5, 6, 7, 8, 9, 15, 16, 17 and 21.

(IDI-2930)

T. 6S., R. 12 E.,
Sec. 12, lot 11.

The areas described aggregate 2545.98 acres in Clearwater, Bingham and Gooding Counties.

The withdrawals are essential for protection of potential waterpower developments. The existing withdrawals close the described land to surface entry, but not to mineral leasing and mining. No change in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuations may present their views in writing to the Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake such investigations as necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued; and if so, for how long. The final determination of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such determination is made.

Dated: October 23, 1992.

**William E. Ireland,**

*Chief, Realty Operations Section.*

[FR Doc. 92-26375 Filed 10-29-92; 8:45 am]

BILLING CODE 4310-GG-M

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## Fish and Wildlife Service

## Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the Proposed Transfer Station Recycling Project North of McKittrick, Kern County, CA

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice.

**SUMMARY:** EnviroCycle, Inc. has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a) of the Endangered Species Act (Act). The proposed permit, which is for a period not to exceed 50 years, would authorize the incidental take of four endangered species: San Joaquin kit fox (*Vulpes macrotis mutica*), blunt-nosed leopard lizard (*Gambelia silus*), giant kangaroo rat (*Dipodomys ingens*) and Kern mallow (*Eremalche kernensis*). The proposed take would occur as a result of the construction and operation of a Solids Transfer and Processing Plant on a 20-acre site north of McKittrick, Kern County, California.

An Environmental Assessment (EA) and Habitat Conservation Plan (HCP) have been prepared for the incidental take permit application. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

**DATES:** Written comments on the permit application, HCP, and EA should be received on or before November 30, 1992.

**ADDRESSES:** Comments regarding the permit application, HCP, and the EA should be addressed to: Mr. Wayne S. White, Field Supervisor, U.S. Fish and Wildlife Service, Sacramento Field Station, 2800 Cottage Way, room E-1823, Sacramento, California 95825-1846.

**FOR FURTHER INFORMATION CONTACT:** Mr. William E. Lehman, U.S. Fish and Wildlife Service, Sacramento Field Station, 2800 Cottage Way, room E-1823, Sacramento, California 95825-1846 (916/978-4866). Individuals wishing copies of the HCP or EA for review should immediately contact the above individual.

**SUPPLMENTARY INFORMATION:** Section 9 of the Act prohibits the "taking" of endangered species such as the San Joaquin kit fox, blunt-nosed leopard lizard, and giant kangaroo rat. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations

governing permits for endangered species are at 50 CFR 17.22.

EnviroCycle, Inc. plans to construct and operate a Solids Transfer and processing Plant on a 20-acre parcel, which is located approximately 4 miles north of McKittrick, Kern County, California. The parcel includes the southern half of the southeast quarter of the southwest quarter of Section 32 in Township 29 South, Range 22 East (Mount Diablo Baseline Meridian). The proposed facility consists of one or more office trailers, 12 feet wide by 36 feet long and 12 feet high, and two single story equipment/storage buildings, 50 feet wide by 150 feet long. In addition, a truck scale measuring 12 feet by 70 feet will be installed within the 20-acre site. The remainder of the site will consist of materials holding cells. Paved roads will be constructed within the project site to provide an internal circulation system. Onsite parking facilities will include a minimum of one parking space per employee, as well as holding areas which accommodate five or more tractor/trailer units. The site will be enclosed by an earthen berm, 2 feet high by 4 feet wide, inside a wildlife-proof fence. These facilities will permanently eliminate 20 acres of endangered species habitat. In addition, operation activities (e.g., driving to and from facility) may effect additional take of endangered species remaining on adjoining lands. EnviroCycle, Inc. proposes to compensate for this incidental take via several on-site and off-site mitigation measures. Such measures include: The off-site acquisition of 380 acres of endangered species habitat (320 acres of which may be sold by the project applicant as habitat compensation credits); funding ($380,000) for enhancement of the 380 acres of habitat lands; funding for a maintenance endowment of $114,000 for the acquired habitat; the attempted removal of endangered species from the future operation area, if judged to be necessary by the Service and California Department of Fish and Game; and various on-site measures to be undertaken by EnviroCycle, Inc. during construction and operation of their facility.

Although EnviroCycle, Inc. considered two alternative sites, both parcels were rejected because of previous site contamination which would require costly cleanup and would represent a financial liability to the applicant. Selection of a new alternative site would delay construction indefinitely and would be financially infeasible for the project applicant.

Dated: October 16, 1992.

**Marvin L. Plenert,**

*Regional Director.*

[FR Doc. 92-26371 Filed 10-29-92; 8:45 am]

BILLING CODE 4310-55-M

## Reopening of Comment Period for an Environmental Assessment and Application for an Incidental Take Permit PRT-749374 for Seascape Uplands Joint Venture, Aptos, Santa Cruz County, CA

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The U.S. and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), and the National Environmental Policy Act (NEPA) gives notice that the public comment period will be reopened for an Environmental Assessment (EA) and Application for an Incidental Take Permit for Development in Aptos, Santa Cruz County, California. The proposed permit, requested by Seascape Uplands Joint Venture, would authorize the incidental take of the federally listed endangered Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*) and/or the destruction of its habitat during construction of a housing development at Seascape Uplands near Aptos in Santa Cruz County.

The reopening of the public comment period will allow all interested parties to submit additional information on the amended EA and Habitat Conservation Plan (HCP).

**DATES:** Written comments on the HCP and EA should be received on or before November 30, 1992.

**ADDRESSES:** Additional comments regarding the permit application, EA, and HCP should be addressed to: Elizabeth Sharp, U.S. Fish and Wildlife Service, 911 NE 11th Ave., Portland, Oregon, 97232-4181.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Sharpe at the above address 503-321-6131. Individuals wishing copies of the EA, HCP, or permit application for review should immediately contact the above individual.

**SUPPLEMENTARY INFORMATION:** As much as 53 acres of the 193-acre property would be disturbed by project construction. Approximately 8 of the 53-acre disturbance area would be reclaimed as Santa Cruz long-toed salamander (SCLTS) habitat. Project grading would not impact essential SCLTS habitat. However project grading would affect up to 12 percent of adjacent primary habitat, 29 percent of adjacent secondary habitat, and 25 percent of adjacent marginal habitat. Of the 86 acres of sensitive SCLTS habitat found on the site (essential, adjacent primary and adjacent secondary habitats), approximately 18.5 acres (21.5 percent) would be disturbed by the proposed project grading.

A notice of availability of a draft EA and receipt of an application was published in the **Federal Register** on October 29, 1991. Additional mitigation and a more in depth analysis of alternatives considered have been added to both the EA and HCP. Reopening the public comment period will allow all interested parties to comment on these changes.

Dated: October 8, 1992.

**Marvin L. Plenert,**

*Regional Director.*

[FR Doc. 92-26373 Filed 10-29-92; 8:45 am]

BILLING CODE 4310-55-M

## National Park Service

## Notice of Intent To Prepare an Environmental Impact Statement; Obed Wild and Scenic River

**SUMMARY:** In accordance with section 102(2)(c) of the National Environmental Policy Act of 1969, Public Law 91-190, the National Park Service (NPS), Obed Wild and Scenic River (OBRI), is preparing an Environmental Impact Statement (EIS) to assess the impacts of alternative management strategies for the OBRI which will be described in a General Management Plan (GMP). A range of alternatives will be formulated for resource protection, visitor use and interpretation, facilities development and operations.

Persons wishing to provide input to the scoping process for the GMP and EIS should address comments to the Superintendent, Obed Wild and Scenic River, P.O. Box 429, Wartburg, Tennessee 37887. Comments should be received no later than sixty (60) days from the publication of this notice.

**FOR FURTHER INFORMATION CONTACT:** Superintendent, Obed Wild and Scenic River, P.O. Box 429, Wartburg, Tennessee 37887.

The responsible official is James W. Coleman, Jr., Regional Director, Southeast Regional Office, National Park Service, 75 Spring Street, SW., Atlanta, Georgia 30303. The draft GMP and EIS are expected to be completed and available for public review by July 1993. The Final General Management Plan/Development Concept Plan/

Environmental Impact Statement is expected to be completed in October 1993 and the Record of Decision in November 1993.

Dated: October 21, 1992.

Frank Catroppa,

*Acting Regional Director, Southeast Region.*

[FR Doc. 92-26424 Filed 10-29-92; 8:45 am]

BILLING CODE 4310-70-M

## Stones River National Battlefield, TN; Intent To Prepare an Environmental Impact Statement

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of intent.

**SUMMARY:** In accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the National Park Service (NPS), Stones River National Battlefield, is preparing an Environmental Impact Statement (EIS) to assess the impacts of alternative management strategies for the park, which will be described in a General Management Plan (GMP). A range of alternatives will be formulated for resource protection, visitor use and interpretation, facilities development and operations.

The National Park Service will hold public scoping meetings regarding the GMP/EIS later this fall, with specific dates and locations to be announced in the local media. The purpose of these meetings is to obtain comments concerning the purpose of the national battlefield, appropriate visitor use, and issues that need to be resolved.

Persons wishing to provide input to the scoping process for the GMP and EIS may also address comments to the Superintendent, Stones River National Battlefield, 3501 Old Nashville Highway, Murfreesboro, Tennessee 37129. Comments should be received no later than 60 days from the publication of this notice.

**FOR FURTHER INFORMATION CONTACT:** Superintendent, Stones River National Battlefield, 3501 Old Nashville Highway, Murfreesboro, Tennessee 37129.

The responsible official is James W. Coleman, Jr., Regional Director, Southeast Regional Office, National Park Service, 75 Spring Street, SW., Atlanta, Georgia 30303. The draft GMP and EIS are expected to be completed and available for public review by summer 1994. The final GMP, EIS and Record of Decision are expected to be completed by summer 1995.

Dated: October 21, 1992.

Frank Catroppa,

*Acting Regional Director, Southeast Region.*

[FR Doc. 92-26425 Filed 10-29-92; 8:45 am]

BILLING CODE 4310-70-M

## Maine Acadian Culture Preservation Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 86 Sat. 770, 5 U.S.C. App. 1 s 10), that the Maine Acadian Culture Preservation Commission will meet on Thursday, November 19, 1992.

The Committee was established pursuant to Public Law 101-543. The purpose of the Committee is to consult with the Secretary of the Interior and to advise the Secretary with respect to the development and implementation of an interpretive program of Acadian culture in the State of Maine and the selection of sites for interpretation and preservation by means of cooperative agreements.

The meeting will convene at 7 p.m. at the Wallagrass Elementary School on Church Road in Soldier Pond, Arrostook County, Maine. The village of Soldier Pond is located on State Route 11. The agenda for the meeting is as follows:

1. Review and approval of the summary report of the September 24 meeting;

2. Subcommittee reports;

3. Presentation of the American Folklife Center;

4. Report of the National Park Service planning team;

5. Opportunity for public comment;

6. Proposed agenda, place and date of next Commission meeting.

The meeting is open to the public. Interested persons may make oral or written presentations to the Commission or file written statements. Such requests should be made to the Superintendent at least seven days prior to the meeting.

Further information concerning these meetings may be obtained from the Superintendent, Acadia National Park, P.O. Box 177, Bar Harbor, Maine 04609, telephone: (207) 288-5472.

Dated: October 21, 1992.

Marie Rust,

*Regional Director.*

[FR Doc. 92-26423 Filed 10-29-92; 8:45 am]

BILLING CODE 4310-70-M

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 332-337]**

## Potential Impact on the U.S. Economy and Selected Industries of the North American Free Trade Agreement

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of investigation and scheduling of public hearing.

**EFFECTIVE DATE:** October 23, 1992.

**SUMMARY:** Following receipt on September 23, 1992, of a request from the House Committee on Ways and Means and the Senate Committee on Finance, the Commission instituted investigation No. 332-337 under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) for the purpose of providing (1) an analysis of the economic costs and benefits of the North American Free Trade Agreement (NAFTA) for the U.S. economy in the short and long term and (2) analyses of the short-and long-term impact of the NAFTA on important agricultural, industrial, and service sectors of the economy.

**FOR FURTHER INFORMATION CONTACT:** Information on the sectors may be obtained from Robert W. Wallace, Office of Industries (202-205-3458); economic aspects, from Hugh Arce, Office of Economics (202-205-3234); and legal aspects, from William Gearhart, Office of the General Counsel (202-205-3091). The media should contact Edward Carroll, Acting Director, Office of Public Affairs (202-205-1819). Hearing impaired persons are advised that information on this matter can be obtained by contacting the TDD terminal on 202-205-1107.

**BACKGROUND:** In their letter dated September 22, 1992, the Committees noted that negotiations for a NAFTA had been concluded on August 12, 1992, and that the President had notified the Congress on September 18, 1992, of his intention to enter into the NAFTA, as required at least 90 days before actually signing the Agreement.

The Committee asked the Commission to conduct a study under section 332(g) consisting of (1) an analysis of the economic costs and benefits of the NAFTA for the U.S. economy in the short and long term and (2) analyses of the short-and long-term impact of the NAFTA on important agricultural, industrial, and service sectors of the economy. The Committees asked that the analyses be based on provisions of the Agreement itself as concluded, not on hypothetical assumptions. They also

asked that the study focus on those provisions having the most direct impact on the U.S. economy or individual sectors.

More specifically, the Committees asked that the Commission's assessment include an analysis of the likely impact of the NAFTA on (1) overall employment and wage rates in the United States, (2) U.S. wages at different skill levels, (3) U.S. production, (4) U.S. import and export performance, and (5) the national income. The Committees asked that this assessment, to the extent feasible, address related implications for Canada and Mexico. In order that the context in which the Agreement is being implemented, especially with regard to Mexico, might be well understood, the Committees asked that the Commission's report also provide an overview of recent economic trends in Mexico, including, but necessarily limited to, major developments in infrastructure, productivity, product quality, and education; foreign trade and investment patterns; and related government regulatory reform.

The Committees asked that the sector analyses include assessments of the likely impact of the Agreement on U.S. exports and imports, and on U.S. production, employment, and investment, and that they address, to the extent feasible, the likely impact on investment patterns among the three countries, as well as the potential impact on the NAFTA on U.S. global competitiveness and trade patterns. The Committees also asked that the study identify the changes in U.S. law required by the Agreement that may significantly affect individual sectors and discuss the potential economic impact of those provisions. The Commission was also requested to identify, to the extent feasible, significant changes in Mexican and Canadian law required by the Agreement for those sectors for which there is a significant economic impact.

The Committees identified as the key sectors for individual analysis agriculture overall and the following individual sectors: Grains and oilseeds, citrus fruit and juice, other fruits, vegetables, sugar, sugar-containing products, dairy products, cotton, peanuts, livestock and meat, poultry, fish, cut flowers, lumber and wood products, and alcoholic beverages; automotive (motor vehicles and parts); textiles and apparel; computers (including major components) and electronics; petroleum (including oilfield services); primary petrochemicals; pharmaceuticals; natural gas; oil/natural gas pipelines; electricity transmission; steel mill products; bearings; machine tools; flat glass; household glassware; ceramic tile; and service sectors such as telecommunications, transportation, engineering and construction, banking, and insurance.

The Commission will seek to provide the information requested by the Committees and to submit its report by January 29, 1993.

**PUBLIC HEARING:** A public hearing in connection with the investigation will be held in the Commission Hearing Room, 500 E Street SW., Washington, DC, starting at 9:30 a.m. on November 17, 1992 and extending through November 19 if needed. All persons will have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the hearing should be filed with the Secretary, U.S.International Trade Commission, 500 E Street SW., Washington, DC 20436, no later than November 9, 1992. Any prehearing briefs (original and 14 copies) should be filed not later than November 9, and any posthearing briefs should be filed by noon November 25, 1992.

**WRITTEN SUBMISSIONS:** In lieu of or in addition to appearing at the hearing, interested persons are invited to submit written statements concerning the investigation. Written statements should be submitted to the Commission no later than noon November 25, 1992. The Commission is especially interested in receiving information regarding the impact of the NAFTA on individual sector investment, on investment patterns among NAFTA on nations, and on the global competitiveness of individual U.S. sectors. The Commission is also interested in obtaining documented information on major developments in Mexico's infrastructure, productivity, product quality, and education.

Commercial or financial information that a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary at the Commission's office in Washington, DC.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Issued: October 26, 1992.

By order of the Commission.

**Paul R. Bardos,**

*Acting Secretary.*

[FR Doc. 92–26331 Filed 10–29–92; 8:45 am]

BILLING CODE 7020–02–M

## INTERSTATE COMMERCE COMMISSION

### Agency Information Collection Under OMB Review

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the form and supporting documents may be obtained from the Agency Clearance Officer, Kathleen King, (202) 927–5493. Comments regarding this information collection should be addressed to Kathleen King, Interstate Commerce Commission, room 1312, Washington, DC 20423 and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attn: Desk Officer for ICC, Washington, DC 20503. When submitting comments, refer to the OMB number or the title of the form.

*Type of Clearance:* Revision of a currently approved form
*Bureau/Office:* Office of Compliance & Consumer Assistance
*Title of Form:* Designation of Agents—Motor Carriers and Brokers
*OMB Form Number:* 3120–0008
*Agency Form Number:* BOC–3
*Frequency:* On Occasion
*No. of Respondents:* 12,000
*Total Burden Hours:* 3,000

**Sidney L. Strickland, Jr.,**

*Secretary.*

[FR Doc. 92–26411 Filed 10–29–92; 8:45 am]

BILLING CODE 7035–01–M

### Notice of Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Martin Ag Service, Inc., Box 250, Preston, Iowa 52069.

2. Wholly owned subsidiaries which will participate in the operations, and States of incorporation: Grow Tech, Inc., State of incorporation: Iowa.

Sidney L. Strickland, Jr.,

*Secretary.*

[FR Doc. 92-26413 Filed 10-29-92; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF JUSTICE

### Lodging a Final Judgment by Consent Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on October 20, 1992 a proposed consent decree in *United States* v. *Atlantic Richfield Company* was lodged with the United States District Court for the District of Montana. The proposed consent decree pertains to the Flue Dust Operable Unit of the Anaconda Smelter Site in Anaconda, Montana.

The proposed consent decree requires Atlantic Richfield Company to perform the Remedial Design and Remedial Action at the Flue Dust Operable Unit, and to pay future response costs to be incurred by the United States after the entry of the Consent Decree.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC, 20530, and should refer to *United States* v. *Atlantic Richfield Company* (D. Mont.) and DOJ Ref. No. 90-11-2-787. The proposed consent decree may be examined at the office of the United States Attorney, District of Montana, 316 North 26th Street, Federal Building, room 5043, Billings, MT 59101, or at the office of the Environmental Protection Agency, Region VIII, 999 18th Street, Denver, Colorado. A copy of the proposed consent decree may also be examined at the Consent Decree Library, 601 Pennsylvania Avenue Building, NW. Box 1097, Washington, DC 20004, (202) 347-2072. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please enclose a check in the amount of $20.25 (25 cents per page reproduction costs) payable to "Consent Decree Library".

Roger Clegg,

*Acting Assistant Attorney General, Environment and Natural Resources Division.*

[FR Doc. 92-26310 Filed 10-29-92; 8:45 am]

BILLING CODE 4410-01-M

### Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Aaron Scrap, et al.*, Civ. No. 92-50244/LAC, was lodged with the United States District Court for the Northern District of Florida, Panama City Division, on October 19, 1992. That action was brought against defendants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for cleanup of, and payment of past costs incurred by the United States at, the Sapp Battery Superfund Site in Jackson County, Florida. The decree requires the settlors to implement the Environmental Protection Agency's selected remedy for soil cleanup, estimated to cost $15 million, and to pay $1 million toward the United States' past costs. In addition, the decree includes a settlement with some *de minimis* defendants, who agree to contribute toward the surface soil cleanup, the past costs, and future cleanup of surface and ground waters, and with some *de minimis* federal agencies, who agree to contribute toward the surface soil cleanup and the past costs.

The Department of Justice will receive comments relating to the proposed consent decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530. All comments should refer to *United States* v. *Aaron Scrap, et al.*, D.J. Ref. 90-11-2-699.

The proposed consent decree may be examined at the office of the United States Attorney for the Northern District of Florida, 114 East Gregory Street, Pensacola, Florida 32501; at the Region IV office of the Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365; and at the Consent Decree Library, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20004, 202-347-2072. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please enclose a check in the amount of $64.75 for the Sapp decree plus its attachments (25 cents per page reproduction costs) payable to the Consent Decree Library. When requesting a copy, please refer to *United States* v. *Aaron Scrap et al.*, D.J. Ref. 890-11-2-699.

John C. Cruden,

*Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 92-26309 Filed 10-29-92; 8:45 am]

BILLING CODE 4410-01-M

## Antitrust Division

### Notice Pursuant to the National Cooperative Research Act of 1984—Petroleum Environmental Research Forum

Notice is hereby given that, on October 5, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301, *et seq.* ("the Act"), the participants in the Petroleum Environmental Research Forum ("PERF") Project No. 89-09, titled "Spent Caustic Management," have filed written notifications simultaneously with the Attorney General and with the Federal Trade Commission disclosing changes in the project membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the notifications stated that the following additional parties have become participants in Project No. 89-09: ARCO Products Company, Anaheim, CA and Texaco Research & Development, Port Arthur, TX.

No other changes have been made in either the membership or the planned activities of PERF Project 89-09. Membership in this group research project remains open until the termination of the Agreement for PERF Project 89-09, and the participants in the project intend to file additional written notification disclosing all changes in membership.

On June 17, 1991, the participants of PERF Project 89-09 filed their original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to section 6(b) of the Act on July 17, 1991 (56 FR 32593).

The last notification was filed with the Department on October 16, 1991. A notice was published in the Federal

Register pursuant to section 6(b) of the Act on November 29, 1991 (56 FR 61051).

Joseph H. Widmar,

*Director of Operations, Antitrust Division.*

[FR Doc. 92-26311 Filed 10-29-92; 8:45 am]

BILLING CODE 4410-01-M

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## Drug Enforcement Administration

[Docket No. 89-64]

### Arnold Bickham, M.D.; Revocation of Registration

On October 31, 1989, the Deputy Assistant Administrator of the Drug Enforcement Administration (DEA), Office of Diversion Control, issued an Order to Show Cause to Arnold Bickham, M.D. (Respondent), of Chicago, Illinois, proposing to revoke his DEA Certificate of Registration, AB1301883. The Order to Show Cause alleged, essentially, that Respondent's registration was inconsistent with the public interest as evidenced by the revocation of his license to practice medicine in Illinois, thus terminating his authority to prescribe, dispense or otherwise handle controlled substances in that state.

Respondent, through counsel, filed a request for a hearing and this matter was docketed before Administrative Law Judge Francis L. Young. On February 26, 1990, Judge Young granted Respondent's motion for a stay of these proceedings pending final resolution by the Illinois state courts of matters arising from the revocation of Respondent's medical license. Judge Young further ordered that Respondent's counsel was to advise the administrative law judge and Government counsel every 30 days, beginning March 30, 1990, of the current status of the state proceedings.

Judge Young retired on June 1, 1990, and this matter was reassigned to Administrative Law Judge Mary Ellen Bittner. On May 28, 1992, having noted that no status reports had been filed after January 14, 1991, Judge Bittner issued an order directing counsel for both sides to file statements regarding the status of the case and inviting both sides to file appropriate motions. On June 23, 1992, Government counsel filed a Motion for Summary Disposition, arguing that Respondent was still without a license to practice medicine in Illinois and that DEA cannot register or maintain the registration of a practitioner who is not authorized to handle controlled substances in the state in which he practices. On June 29, 1992, Respondent's counsel was granted leave to withdraw from these proceedings. By certified mail sent on that same date, Judge Bittner informed Respondent of his counsel's withdrawal, offered him an opportunity to respond to the Motion for Summary Disposition and informed him of his right to representation. To date, DEA has received no response from Dr. Bickham. Accordingly, on August 5, 1992, Judge Bittner issued an Opinion and Recommended Decision in which she granted the Government's Motion for Summary Disposition and recommended that the Respondent's registration be revoked. No exceptions were filed and, on September 8, 1992, Judge Bittner transmitted the record of this matter to the Administrator. Having considered the record in its entirety, the Administrator hereby enters his final order in this matter pursuant to 21 CFR 1316.67.

The Administrator finds that on or about October 31, 1988, the Illinois Department of Professional Regulation (IDPR) revoked Respondent's license to practice medicine in the State of Illinois for a minimum of five years. The IDPR has certified that Respondent's license was revoked. While Respondent has, at various times during these proceedings, indicated that he was challenging the IDPR action, he has never produced evidence showing that he possessed a valid Illinois medical license. Accordingly, the Administrator finds that Respondent is not currently licensed to practice medicine in Illinois and that, therefore, he is not authorized to prescribe, dispense or otherwise handle controlled substances under the laws of that state.

The DEA does not have statutory authority under the Controlled Substances Act to register a practitioner unless that practitioner is authorized by the state to dispense controlled substances. This agency has consistently so held. See *Bobby Watts, M.D.*, Docket No. 87-71, 53 FR 11919 (1988); *Robert F. Witek, D.D.S.*, Docket No. 87-54, 53 FR 47770 (1987); *Wingfield Drugs, Inc.*, Docket No. 87-13, 52 FR 27070 (1987). Respondent is not currently entitled to a DEA registration.

In light of the foregoing, a motion for summary judgment is properly entertained and granted. It is well-settled that when no question of fact is involved, or when the facts are agreed upon, a plenary, adversary administrative proceeding involving evidence and cross-examination is not obligatory. See *Philip E. Kirk, M.D.*, Docket No. 82-36, 48 FR 32887 (1983), *aff'd sub nom Kirk* v. *Mullen, 749 F.2d 297 (6th Cir. 1984)*.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration, AB1301883, previously issued to Arnold Bickham, M.D., be, and it hereby is, revoked. The Administrator further orders that all pending applications for renewal of such registration be, and they hereby are, denied. This order is effective October 30, 1992.

Dated: October 26, 1992.

Robert C. Bonner,

*Administration of Drug Enforcement.*

[FR Doc. 92-26365 Filed 10-29-92; 8:45 am]

BILLING CODE 4410-09-M

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[Docket No. 92-55]

### Roy E. Hardman, M.D.; Revocation of Registration

On April 22, 1992, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Roy E. Hardman, M.D. (Respondent), Chippewa Temporary Correctional Facility, Unit E-1-25, 4535 West Tone Road, Kincheloe, Michigan, 45855. The Order to Show Cause sought to revoke Respondent's DEA Certificate of Registration, BH2551326, and to deny any pending applications for renewal of such registration. The proposed action was based on Respondent's lack of state authorization to handle controlled substances in the State of Michigan.

Respondent, proceeding pro se, filed a request for a hearing on June 15, 1992. The matter was docketed before Administrative Law Judge Paul A. Tenney. On June 25, 1992, the administrative law judge issued an order requesting prehearing statements. On July 13, 1992, the Government filed a motion for summary disposition. Attached to the Government's motion for summary disposition. Attached to the Government's motion was a copy of an order of the Michigan Board of Medicine dated November 20, 1991, summarily suspending Respondent's medical license, and an affidavit stating that this suspension resulted in the nullification of Respondent's controlled substance license. As explained in the affidavit, Michigan law provides that suspension of an individual's medical license shall result in the nullification of the individual's authority to handle controlled substances. The administrative law judge provided Respondent with an opportunity to respond to the motion for summary

disposition. Respondent, however, did not file a response to the Government's motion.

On August 11, 1992, the administrative law judge issued his opinion and recommended decision. The administrative law judge stated that the motion for summary disposition was warranted as there was no question of material fact involved. The administrative law judge then noted that the DEA lacks statutory power to register a practitioner unless the practitioner holds state authority to handle controlled substances. Respondent is without authority to handle controlled substances in the State of Michigan. Consequently, the administrative law judge granted the Government's motion for summary disposition and recommended that Respondent's DEA Certificate of Registration be revoked. No exceptions were filed and on September 10, 1992, the entire record of these proceedings was transmitted to the Administrator.

After a careful review of the record in this matter, the Administrator adopts the administrative law judge's opinion and recommended decision. As the Administrator has consistently stated, the Drug Enforcement Administration does not have the authority under the Controlled Substances Act to grant a registration to a practitioner if that practitioner is not authorized by a state to handle substances. See *Ramon Pla, M.D.*, Docket No. 86–54, 51 FR 41168 (1986); *George S. Heath, M.D.*, Docket No. 86–24, 51 FR 26610 (1986); *Dale D. Shahan, D.D.S.*, Docket No. 85–57, 51 FR 23481 (1986). There is no evidence in the record to contradict the Government's position that Respondent's Michigan medical license has been suspended and his authority to handle controlled substances in the State of Michigan has been nullified. Consequently, revocation of Respondent's DEA Certificate of Registration, BH2551326, is warranted.

The Administrator concurs with the administrative law judge's granting of the Government's motion for summary disposition. In the absence of a question of material fact, a plenary adversary administrative proceeding is not required. See *United States* v. *Consolidated Mines and Smelting Company, Ltd.*, 445 F.2d 432, 453 (9th Cir. 1971); *N.L.R.B.* v. *International Association of Bridge, Structural and Ornamental Ironworkers, AFL-CIO*, 549 F.2d 634 (9th Cir. 1977); *Alfred Tennyson Smurthwaite, M.D.*, Docket No. 77–29, 43 FR 11873 (1978).

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration, BH2551326, previously issued to Roy E. Hardman, M.D., be, and it hereby is, revoked and that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective October 30, 1992.

Dated: October 26, 1992.

**Robert C. Bonner,**

*Administrator of Drug Enforcement.*

[FR Doc. 92–26366 Filed 10–29–92; 8:45 am]

BILLING CODE 4410–09–M

## DEPARTMENT OF LABOR

### Employment Standards Administration

### Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S–3014, Washington, DC 20210.

#### Modifications to General Wage—Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

*Volume I*

| | | | |
|---|---|---|---|
| Connecticut, | CT91–1 (Feb. 22, 1991). | p. 63. | p. 65. |

Georgia, GA91-4 (Feb. 22, 1991)..... p. All.
North Carolina, NC91-19 (Feb. 22, 1991). p. 647.
New York, NY91-13 (Feb. 22, 1991). p. 901. p. 902.
Tennessee, TN91-5 (Feb. 22, 1991)... p. All.

*Volume II*

Arkansas, AR91-3 (Feb. 22, 1991).... p. All.
Indiana:
IN91-2 (Feb. 22, 1991)..... p. 259. p. 265.
IN91-4 (Feb. 22, 1991)..... p. 291. p. 295.
IN91-5 (Feb. 22, 1991)..... p. 305. p. 308.
IN91-6 (Feb. 22, 1991)..... p. 315. p. 320.
Michigan:
MI91-4 (Feb. 22, 1991)..... p. All.
MI91-5 (Feb. 22, 1991)..... p. All.

*Volume III*

Idaho, ID91-1 (Feb. 22, 1991)..... p. All.
Oregon, OR91-1 (Feb. 22, 1991)..... p. All.
Washington:
WA91-5 (Feb. 22, 1991)..... p. All.
WA91-8 (Feb. 22, 1991)..... p. All.

**General Wage Determination Publication**

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 23d day of October 1992.

Alan L. Moss,

*Director, Division of Wage Determination.*

[FR Doc. 92-26119 Filed 10-29-92; 8:45 am]

BILLING CODE 4510-27-M

## Employment and Training Administration

[TA-W-27,518]

## Axem Resources, Inc., Denver, CO; Negative Determination Regarding Application for Reconsideration

By an application dated October 16, 1992, one of the workers requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notice was signed on September 18, 1992 and was published in the **Federal Register** on October 6, 1992 (57 FR 46048).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

Investigation findings show that the workers produce both natural gas and crude oil and that worker separations occurred at Denver in January, 1992.

The Department's denial was based on the fact that the "contributed importantly" test of the Group Eligibility Requirements of the Trade Act was not met. This test is generally demonstrated through a survey of the subject firm's customers.

Its claimed that the Department's survey was inadequate in that it only surveyed gas pipelines and not end users.

The Department's survey was adequate and included end users such as public utilities identified as customers by Axem. The Department's survey considered imports of natural gas and the substitution of like or directly competitive products for natural gas. All the respondents to the survey stated that they do not import natural gas or substitute natural gas liquids or crude oil for natural gas. Also, for the purposes of the Trade Act the Department considers gas pipelines as end users.

A factor, not previously mentioned, affecting natural gas consumption was the warm winter of 1991-1992. Investigation findings show that winter temperatures for the continental U.S. between December 1991 and February 1992 were far above average.

**Conclusion**

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 22d day of October 1992.

Stephen A. Wandner,

*Deputy Director, Office of Legislation & Actuarial Service, Unemployment Insurance Service.*

[FR Doc. 92-26392 Filed 10-29-92; 8:45 am]

BILLING CODE 4510-30-M

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[TA-W-27, 563, et al.]

## Chiles Offshore Corp., Houston, TX, et al.; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of TA-W-27,563A Texas, TA-W-27,563B Mississippi, TA-W-27,563C Louisiana, TA-W-27,563D Alabama, TA-W-27,563E Florida,

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on October 6, 1992, applicable to all workers of the subject firm in Houston, Texas. The Notice will soon be published in the **Federal Register**.

At the request of the company the Department reviewed the certification. New information from the company shows that worker separations occurred in other locations in Texas, and in the States of Mississippi, Louisiana, Alabama and Florida.

The intent of the Department's certification is to include all workers of Chiles Offshore Corporation who were affected by increased imports of crude oil and natural gas.

The amended notice applicable to TA-W-27,563 is hereby issued as follows:

All workers of Chiles Offshore Corporation, Houston, Texas and operating offshore and in other locations in Texas and in the States of Mississippi, Louisiana, Alabama and Florida who became totally or partially separated from employment on or after July 22, 1991 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 23d day of October 1992.

**Marvin M. Fooks,**

*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 92-26393 Filed 10-29-92; 8:45 am]

BILLING CODE 4510-30-M

## Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 9, 1992.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 9, 1992.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 19th day of October 1992.

**Marvin M. Fooks,**

*Director, Office of Trade Adjustment Assistance.*

APPENDIX

| Petitioner: (Union/workers/firm— | Location | Date received | Date of petition | Petition No. | Articles produced |
|---|---|---|---|---|---|
| Everex Utah (wkrs) | St. George, UT | 10/19/92 | 10/08/92 | 27,905 | Circuit boards. |
| Asamera Minerals, Inc. (wkrs) | Wenatchee, WA | 10/19/92 | 09/25/92 | 27,906 | Gold. |
| Douglas & Lomason Company (ABGWIU) | Cleveland, MS | 10/19/92 | 09/30/92 | 27,907 | Auto moldings and car bumpers. |
| Center Fashions, Inc. (wkrs) | Dupont, PA | 10/19/92 | 09/09/92 | 27,908 | Women's clothing. |
| Hauerhill Shoe Co. (wkrs) | Haverhill, PA | 10/19/92 | 09/29/92 | 27,909 | Women's footwear. |
| American Olean Tile Co (Co) | Quarkertown, PA | 10/19/92 | 10/05/92 | 27,910 | Quarry tile. |
| Zelienople Greenhouse Co (wkrs) | Zelienople, PA | 10/19/92 | 10/02/92 | 27,911 | Roses. |
| Gee Wiz (Div. of Winer Ind., Inc.) (wkrs) | Paterson, NJ | 10/19/92 | 10/07/92 | 27,912 | Warehouse and distribution facility. |
| IntraSearch, Inc (Co) | Englewood, CO | 10/19/92 | 10/07/92 | 27,913 | Geologic maps. |
| Grace Energy Corp (Co) | Dallas, TX | 10/19/92 | 10/07/92 | 27,914 | Oil and gas. |
| Jim Thorpe, Ind. (wkrs) | Jim Thorpe, PA | 10/19/92 | 10/12/92 | 27,915 | Ladies' and kids dresses and sportswear. |

[FR Doc. 92-26394 Filed 10-30-92; 8:45 am]

BILLING CODE 4510-30-M

**[TA-W-27,537]**

## Sterling Plastics, Mountainside, NJ; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on September 23, 1992, applicable to all workers of the subject firm in Mountainside, New Jersey. The Notice was published in the **Federal Register** on October 6, 1992 (57 FR 46049).

At the request of the subject firm the Department reviewed the certification for workers of Sterling Plastics in Mountainside, New Jersey. New Information from the company shows worker separations occurring after the September 30, 1992 termination date set in the certification. Accordingly, the Department is deleting the September 30, 1992 termination date.

The intent of the Department's certification is to include all workers of Sterling Plastics who were affected by increased imports of plastic school and desk products.

The amended notice applicable to TA-W-27,537 is hereby issued as follows:

All workers of Sterling Plastics, Mountainside, New Jersey who became totally or partially separated from employment on or after July 10, 1991 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 22d day of October 1992.

**Marvin M. Fooks,**

*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 92-26395 Filed 10-29-92; 8:45 am]

BILLING CODE 4510-30-M

**[TA-W-27, 443]**

## United Technologies Automotive Troy, MI; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at United Technologies Automotive, Troy, Missouri. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-27, 443; United Technologies Automotive, Troy, Missouri (October 23, 1992)

Signed at Washington, DC this 23rd day of October, 1992.

**Marvin M. Fooks,**

*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 92-26396 Filed 10-29-92; 8:45 am]

BILLING CODE 4510-30-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (92-71)]

### Fiscal Year 1992 Report of Closed Meeting Activities of Advisory Committees

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of availability of reports.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, Public Law 92-463, the NASA advisory committees that held closed or partially closed meetings in Fiscal Year 1992, consistent with the policy of 5 U.S.C. 552b(c), have prepared reports on activities of these meetings.

Copies of the reports have been filed and are available for public inspection at the Library of Congress, Federal Advisory Committee Desk, Washington, DC 20540; and the National Aeronautics and Space Administration, Headquarters Information Center, Washington, DC 20546.

The names of the committees are NASA Advisory Council (NAC) Aerospace Medicine Advisory Committee, NAC Commercial Programs Advisory Committee, NAC Space Science and Applications Advisory Committee, and the NASA Wage Committee.

**FOR FURTHER INFORMATION CONTACT:** Kathryn Newman, Code JM-1, National Aeronautics and Space Administration, Washington, DC 20546 (202-453-2880).

Dated: October 23, 1992.

John W. Gaff,

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

[FR Doc. 92-26326 Filed 10-29-92; 8:45 am]

BILLING CODE 7510-01-M

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Materials Research; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463 as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Materials Research (DMR).

*Date and Time:* November 17, 1992: 8:30 a.m. to 5 p.m.

*Place:* The Conference and Training Center at 1110 Vermont Avenue, NW., room 500 E, Washington, DC 20550.

*Type of Meeting:* Open.

*Contact Person:* Dr. John H. Hopps, Jr., Division Director, Division of Materials Research, room 408, National Science Foundation, Washington, DC 20550. Telephone (202) 357-9794.

*Purpose of Meeting:* To provide advice and recommendations concerning the Materials Research Laboratories and Materials Research Groups Activities.

*Agenda:* Review and assess activities in the Materials Research Laboratories and Materials Research Groups programs of the NSF, and recommend future direction for these activities.

Dated: October 27, 1992.

M. Rebecca Winkler,

*Committee Management Officer.*

[FR Doc. 92-26340 Filed 10-29-92; 8:45 am]

BILLING CODE 7555-01-M

### Advisory Panel for Neuroscience; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Date & Time:* November 18th, 9 a.m.-5 p.m. Closed.

November 19th, 9 a.m.-10 p.m. Closed.

10 a.m.-12 p.m. Open.

12 a.m.-5 p.m. Closed.

November 20th, 9 a.m.-5 p.m. Closed.

*Place:* Rm 500B, 1110 Vermont Avenue, Washington, DC.

*Type of Meeting:* Part-Open.

*Contact Person:* Dr. Christopher Platt, Program Director, Sensory Systems, room 321, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357-7428.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate Sensory Systems proposals as part of the selection process for awards. OPEN SESSION: To discuss research trends and opportunities for Sensory Systems.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 27, 1992.

M. Rebecca Winkler,

*Committee Management Officer.*

[FR Doc. 92-26341 Filed 10-29-92; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

### Document Containing Reporting or Recordkeeping Requirements; Office of Management and Budget (OMB) Review

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of the OMB review of information collection.

**SUMMARY:** The NRC has recently submitted to the OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35).

1. *Type of submission, new, revision or extension:* Revision
2. *The title of the information collection:* 10 CFR part 100, Appendix A, "Seismic and Geologic Siting Criteria for Nuclear Power Plants"
3. *The form number if applicable:* Not applicable
4. *How often the collection is required:* As necessary in order for NRC to assess the adequacy of proposed seismic design bases and the design bases for other geological hazards for nuclear power plants constructed and licensed in accordance with 10 CFR part 50, and the Atomic Energy Act of 1954, as amended (the Act).
5. *Who will be required or asked to report:* Licensees for nuclear power plants
6. *An estimate of the number of respondents:* 2
7. *An estimate of the annual average burden hours per response:* 15,000
8. *An estimate of the total number of hours needed annually to complete the requirement:* 30,000
9. *An indication of whether section 3504(h), Public Law 96-511 applies:* Not applicable
10. *Abstract:* The regulations require utilities that propose to build and operate nuclear power plants to design, construct, and maintain those plants to withstand geologic hazards, such as faulting, seismic hazards, and the maximum credible earthquake, to protect the health and safety of the public and the environment.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer: Ronald Minsk, Office of Information and Regulatory Affairs, (3150-0093), NEOB-

3019, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 492–8132.

Dated at Bethesda, MD, this 22nd day of October, 1992.

For the Nuclear Regulatory Commission.

**Gerald F. Cranford,**

*Designated Senior Official for Information Resources Management.*

[FR Doc. 92–26346 Filed 10–29–92; 8:45 am]

BILLING CODE 7590–01–M

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**[Docket No. 40–0299]**

## UMETCO Minerals Corp.; Finding of no Significant Impact Regarding Issuance of an Amendment to Source Material License SUA–648 for the UMETCO Minerals Corp., Gas Hills Mill, to Incorporate Reclamation Schedules, Natrona County, WY

**AGENCY:** Nuclear Regulatory Commission.

**ACTION;** Notice of a finding of no significant impact.

### 1. Proposed Action

The administrative action is issuance of a license amendment to incorporate an enforceable reclamation schedule for the Gas Hills Mill in Natrona County, Wyoming.

### 2. Reasons for Finding of No Significant Impact

The proposed amendment is administrative, incorporating reclamation milestones into the license in accordance with the Memorandum of Understanding (MOU) between the Environmental Protection Agency (EPA) and the NRC which was published in the Federal Register on October 25, 1991. The Notice of Intent to Amend Source material License SUA–648 for the Gas Hills Mill to incorporate reclamation schedules was published in the Federal Register on July 29, 1992. The NRC accepted comments on this proposed licensing action for 45 days. No comments were received. In accordance with 10 CFR 51.22(c)(11), the Commission has determined that no environmental analysis need be performed since no significant impacts will result from the proposed licensing actions.

### 3. Action

The Commission action is to amend Source Material License SUA–648 upon publication of this Notice. The action is based on this Finding of No Significant Impact and no comments being received to the Notice of Intent published on July 29, 1992.

This Notice, together with the Notice of Intent to Amend Source Material License SUA–648, are available for public inspection and copying at the Commission's Uranium Recovery Field Office at 730 Simms Street, Golden, Colorado, and at the Commission's Public Document Room at 2120 L Street, NW., Washington, DC 20555.

Dated at Denver, Colorado, this 23rd day of October 1992.

For The Nuclear Regulatory Commission.

**Ramon E. Hall,**

*Director, Uranium Recovery Field Office.*

[FR Doc. 92–26347 Filed 10–29–92; 8:45 am]

BILLING CODE 7590–01–M

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## OFFICE OF PERSONNEL MANAGEMENT

### Federal Salary Council

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice of meetings.

**SUMMARY:** According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the sixteenth meeting of the Federal Salary Council will be held at the time and place shown below. The agenda for this meeting will be the discussion of issues relating to the new locality-based comparability payments authorized by the Federal Employees Pay Comparability Act of 1990 (FEPCA). The meeting will be open.

**DATES:** November 16, 1992, beginning at 10 a.m.

**ADDRESSES:** Office of Personnel Management, 1900 E Street, NW., room 7B09, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Ruth O'Donnell, Chief, Salary Systems Division, Office of Personnel Management, 1900 E Street NW., room 6H31, Washington, DC 20415–0001. Telephone number: (202) 606–2838.

For the President's Pay Agent.

**Douglas A. Brook,**

*Acting Director.*

[FR Doc. 92–26324 Filed 10–29–92; 8:45 am]

BILLING CODE 6325–01–M

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## POSTAL SERVICE

### Organization and Administration

**AGENCY:** Postal Service.

**ACTION:** Notice of change in organization structure.

**SUMMARY:** The Postal Service is proceeding with a comprehensive reorganization and realignment of its internal structure to improve its accountablility, credibility, and competitiveness. This process will not alter the services provided to postal customers, or involve substantive changes in rules of procedure, rules of general applicability, or statements of general policy and interpretation which would adversely affect a member of the public. Notice of the changes in the Code of Federal Regulations made necessary by this restructuring will be published in the Federal Register.

**ADDRESSES:** Written questions should be mailed or delivered to the Manager, Organization Structure and Job Evaluation, United States Postal Service, 475 L'Enfant Plaza, SW., Washington, DC. 20260–4225.

**FOR FURTHER INFORMATION CONTACT:** John R. Mularski at (202) 268–4179.

**SUPPLEMENTARY INFORMATION:** The Postal Service is replacing its former management structure at headquarters and in the field with a new organization with fewer levels of decision-making authority. This change is designed to improve the accountability of postal management, eliminate redundancies, enhance the credibility of the Postal Service with its customers, and ensure the efficiency and competitiveness of the Postal Service in the communication business.

This internal restructuring will involve, among other things, a reduction in the number of executive and managerial positions in the Postal Service, and the adoption of new names for those positions remaining. Organizational units within the Postal Service will also be renamed, and the functional duties and responsibilities of those units will be rearranged. Internal delegations of authority, reporting relationships, and channels of communication will be modified as necessay to reflect the new organizational structure.

The authority delegated by statute or regulation to any official or organizational unit of the Postal Service that is renamed or succeeded as a result of this reorganization will be exercised by the renamed or successor official or unit without specific notice of the change. All currently effective rules, regulations, orders, determinations, rulings, permits, contracts, and similar matters which have been issued or approved by a renamed or succeeded official or unit will continue in effect according to their terms until modified, terminated, superseded, set aside, or

repealed by the Postal Service (in the exercise of its authority), by any court of competent jurisdiction, or by operation of law. No cause of action, suit, action, or other proceeding arising from the activities of a renamed or succeeded official or unit will be affected or abate by reason of this reorganization.

It is the intention of the Postal Service to accomplish these internal organizational changes as expeditiously as possible, with no disruption in the types or level of services provided to postal customers. The changes resulting from this process will involve matters of internal organization and structure, and will not involve substantive modifications in rules of procedure, rules of general applicability, or statements of general policy and interpretation which would adversely affect a member of the public.

When the major elements of the reorganization process are complete, the Postal Service will publish a notice in the **Federal Register** of any necessary changes in affected provisions of title 39 of the Code of Federal Regulations (CFR). The Postal Service will also make, as necessary, conforming changes in the manuals and other publications designated as regulations of the Postal Service in 39 CFR 211.2. Changes in those manuals incorporated by reference in the Code of Federal Regulations, including the International Mail Manual (39 CFR 20.1), Domestic Mail Manual (39 CFR 111.1), and Procurement Manual (39 CFR 601.100), will be reflected in the periodic Transmittal Letters which are received by the subscribers to those publications and published in the **Federal Register**. See 39 CFR 20.3, 111.3, 601.105.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 92-26382 Filed 10-29-92; 8:45 am]

BILLING CODE 7710-12-M

## PRESIDENTIAL COMMISSION ON THE ASSIGNMENT OF WOMEN IN THE ARMED FORCES

### Meeting

**SUMMARY:** The Presidential Commission on the Assignment of Women in the Armed Forces will hold its next hearing November 1st through November 3rd. On Sunday, November 1st, Commission discussion will center on the crucial "findings" and the issues which must be addressed in preparation for the Commission's final recommendation deliberations on November 2 and 3.

LOCATION: The Holiday Inn Crown Plaza, 775 12th & H Streets, NW., Washington, DC, (202) 737-2200.

DATES:

Sunday, November 1st—10 a.m.-5:30 p.m./ General Session

Monday, November 2nd—8 a.m.-5:30 p.m./ General Session

Tuesday, November 3rd—8 a.m.-5:30 p.m./ General Session

All General Session meetings will be held in Salons A, B, & C located on the Ballroom Level.

NOTE: The next hearings of the Presidential Commission on the Assignment of Women in the Armed Forces are scheduled in Washington, DC on November 9-10 at the Crystal City Sheraton.

STATUS: Open to Public.

CONTACT: Please call for more information and possible schedule changes: Contact: Magee Whelan or Kevin Kirk (202) 376-6905.

The Presidential Commission on the Assignment of Women in the Armed Forces was established by Congress in the National Defense Authorization Act of 1992 (Pub. L. 102-190). The 15-member commission shall assess the laws and policies governing the assignment of women in the military and shall make recommendations on such matters to the President by November 15, 1992.

**W.S. Orr,**

*Staff Director.*

[FR Doc. 92-26399 Filed 10-29-92; 8:45 am]

BILLING CODE 6820-CD-M

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34-31351; File No. SR-CSE-92-09]**

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Cincinnati Stock Exchange, Inc. Relating to Fees and Dues

October 23, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 31, 1992, the Cincinnati Stock Exchange, Inc. ("CSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CSE proposes to amend its schedule of fees effective August 1, 1992. The charge for Designated Dealers who preference customer orders would be increased subject to volume discounts; non-preferenced Designated Dealer transaction would be subjected to minimum average per-share transaction fees; Designated Dealer book fees would increase for most Dealers; membership dues would be raised; and an odd-lot fee would be added, as well as a per-share fee for non-preferenced, non-crossed public agency orders.

The following is the text of the proposed fee changes (new material italicized; deletions in brackets):

Rule 11.10 National Securities Trading System Fees

(a)-(c) No change.

(d) $0.005 will be charged designated dealer members when acting as principal against a public agency order guaranteed transaction[.] *except as provided in paragraph (i) below.*

(e) $0.01 per share will be charged both Proprietary members and non-members when acting as agent on public agency transactions; provided, however, that there will be *a charge of $0.0025 per share* [no charge imposed] on [either] Proprietary Members [1] when acting as agent on public agency market orders or public agency limit orders at the market.

(f)-(g) No change.

(h) Except for the first $0.005 per share charged designated dealer members when acting as principal against public agency order of another CSE member, and the $0.005 per share charge described in (d) above, discounts will be applied to both Proprietary members' [2] total gross fees charged in any given month as follows:

| Gross fees | Percentage |
|---|---|
| 0-$5,000 | 0 |
| 5-20,000 | 10 |
| 20-50,000 | 15 |
| 50-90,000 | 20 |
| 90-125,000 | 25 |
| 125,000 and above | 30 |

(ii) With respect to (c) above, there shall be no charge on any shares which exceed 650,000 shares times the number of trading days in any given month.

(iii) *Notwithstanding any other provision of this Rule 11.10, but excluding transactions subject to paragraph (i) below, the following minimum average per-share charge shall apply to aggregate monthly designated dealer transactions, based on the dealer's average volume per trading day:*

[1] The CSE withdrew from this filing the portion of this fee that would have pertained to non-members. *See* letter from Kevin S. Fogarty, General Counsel, CSE, to Edith Hallahan, Attorney, SEC, dated August 5, 1992.

[2] *See supra* note 1.

| Volume | Discount per share |
|---|---|
| Up to 1,350,000 shares per day | $0.0047 |
| 1,350,001-2,000,000 shares per day [3] | 0.0040 |
| Above 2,000,000 shares per day | 0.0030 |

[3] See letter from Kevin S. Fogarty, General Counsel, CSE, to Sharon Lawson, Assistant Director, SEC, dated August 11, 1992.

*(i) Designated dealers who preference orders under paragraph (u) of Rule 11.9 will be charged $0.002 per share subject to the following monthly discounts based on average volume per trading day:*

| Volume | Discount per share |
|---|---|
| 250,000-500,000 shares per day | $0.0018 |
| 500,001-1,000,000 shares per day | 0.0013 |
| 1,000,001-1,500,000 shares per day | 0.0009 |
| Above 1,500,000 shares per day | 0.0007 [4] |

[4] The CSE also added 1 share to 500,000 shares as the low point in the $0.0013 discount category, and added 1 share to 1,000,000 shares as the low point in the $0.0009 discount category. See supra note 3.

*(j) The charge for any odd lot trade shall be $0.50.*

*(k)* [(i)] Port charge of $100 for each NSTS device (video or printer) utilized by a dealer.

*l* [(j)] Monthly book fee [of $10.00] per issue *as set out below* for the privilege of making a market in a particular stock. Multiple market-makers in the same stock would each be charged a book fee.

| Number of Issues | Fee per issue |
|---|---|
| 0-500 | $15 |
| 501-750 [5] | 10 |
| Above 750 | 5 |

[5] The CSE changed "500" to "501." See supra note 3.

In addition, CSE membership dues will increase from $2,000 to $2,500 per year.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of the proposed rule change is to improve the Exchange's financial position while maintaining a fair and reasonable fee structure.

2. Statutory Basis

The proposed rule change is consistent with the provisions of Section 6(b) of the Act and, in particular, provides for the equitable allocation of reasonable dues, fees, and other changes among its members.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange believes that the proposed rule change will not impose any burden on competition which is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

The Exchange made no general solicitation of comments on the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 thereunder because it establishes or changes a due, fee, or other charge of the self-regulatory organization. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CSE. All submissions should refer to File No. SR-CSE-92-09 and should be submitted by November 20, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 92-26384 Filed 10-29-92; 8:45 am]

BILLING CODE 8010-01-M

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**[Release No. 34-31357; File Nos. SR-OCC-92-21 and SR-ICC-92-04]**

## Self-Regulatory Organizations; the Options Clearing Corporation and the Intermarket Clearing Corporation; Notice of Filing of Proposed Rule Changes Relating to the Calculation of Additional Margin

October 26, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934,[1] notice is hereby given that on August 5, 1992, The Options Clearing Corporation ("OCC") and The Intermarket Clearing Corporation ("ICC") filed with the Securities and Exchange Commission ("Commission") the proposed rule changes (File Nos. SR-OCC-92-21 and SR-ICC-92-04) as described in Items I, II, and III below, which Items have been prepared primarily by OCC and ICC, self-regulatory organizations ("SROs"). The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

### I. Self-Regulatory Organizations' Statement of the Terms of Substance of the Proposed Rule Changes

The proposed rule change would modify the additional margin calculation as described in OCC's Rules 601 and 602 and in ICC's Margin Resolution.

### II. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In their filings with the Commission, the SROs included statements concerning the purpose of, and basis for,

[6] 17 CFR 200.30-3(a)(12) (1991).

[1] 15 U.S.C. 78s(b)(1) (1988).

the proposed rule changes and discussed any comments they received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The SROs have prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes*

The purpose of the rule changes is to modify the additional margin calculation of the margin system, named the Theoretical Intermarket Margin System ("TIMS"), which is used by OCC and ICC. [OCC and ICC are sometimes referred to in this notice as the "Clearing Corporations."]

1. Background

OCC and ICC require Clearing Members to adjust their margin deposits with the Clearing Corporations by 9:00 a.m. of every business day based on calculations performed the previous night by OCC and ICC using TMS methodology.[2] The Clearing Corporations impose a margin requirement on the net short positions in each Clearing Member account and give margin credits for unsegregated long positions. Under TIMS, the margin requirement or credit for net option series positions in a class group [3] that is not part of a product group [4] in a given Clearing Member account is equal to the premium margin [5] increased (in the case of a negative liquidating value) or decreased (in the case of a positive liquidating value) by the additional margin amount for that class group. Similarly, the margin requirement or credit for a product group is equal to the algebraic sum of the premium margin requirements and credits for the class groups in the product group increased (in the case of a negative liquidating value) or decreased (in the case of a positive liquidating value) by the additional margin amount for that product group.

The additional margin for a class group is essentially the amount of margin that would protect the Clearing Corporations from loss in the event of a move in either direction in the market value of the underlying interest by an amount up to or equal to the margin interval.[6] The additional margin for a product group is essentially an amount that, given the price correlation between the interests underlying the class groups in the product group, is calculated to protect the Clearing Corporations from loss in the event of the likely combinations of moves in the market values of the underlying interests by an amount up to or equal to their respective margin intervals.

TIMS calculates additional margin amounts by utilizing options price theory to calculate theoretical liquidating values for the net series options positions in each class group. The theoretical liquidating values are calculated by assuming a change in the market value of the underlying interest within the interval between the previous day's closing market price of the underlying interest plus the margin interval ("upside price") and the previous day's closing market price minus the margin interval ("downside price"). In addition to the upside price and the downside price, theoretical liquidating values are calculated at intermediate points within the interval because some combinations of positions can have greater net theoretical liquidating values at an intermediate point than at either of the end points of the interval.

2. The Current TIMS Additional Margin Methodology

For a class group that is not part of a product group, TIMS currently calculates additional margin [7] as follows. Theoretical liquidating values for the class group are calculated at: (1) The upside price, (2) the downside price, and (3) each intermediate point between the upside price and the downside price that is equal to an exercise price for any of the series in the class group. The variation between each of these liquidating values and the applicable premium margin requirement or credit is determined. The largest variation, whether representing a margin credit or requirement, in the event of a rise in the market value of the underlying interest ("upside variation") and the largest variation, whether representing a margin credit or requirement, in the event of a decline in the market value of the underlying interest ("downside variation") are identified. The additional margin requirement is equal to whichever of the upside variation or the downside variation represents the larger margin requirement or zero if both variations represent additional margin credits.[8]

For a product group, TIMS currently calculates additional margin as follows. Any class group upside variation or downside variation that represents a margin credit is reduced by a percentage specified by the Clearing Corporations.[9]

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[2] OCC Rule 605 and ICC rule 503.

[3] For purposes of OCC Rules 601 and 502, a class group consists of all put and call options having the same underlying interest. In the case of OCC Rule 602, a class group also includes commodity options and futures which are subject to margin at OCC because of a cross-margining program with a Participating Commodities Clearing Organization and with the Commission's approval of File No. SR-OCC-91-05 will include Index Participation having the same underlying interest [for notice of that filing, see Securities Exchange Act Release No. 29081 (April 21, 1991), 56 FR 16142]. In the case of the ICC board resolution describing the calculation of margin, a class group consists of, in addition to put and call securities options having the same underlying interest (which are subject to margin at ICC because of ICC's cross-margining program with OCC), commodity options and futures relating to the same underlying interest.

[4] A product group consists of all class groups having underlying interests determined by the Clearing Corporation to exhibit price correlation sufficient to warrant margining on a combined basis.

[5] The term premium margin means the liquidating value of the positions based upon premium levels at the close of trading on the preceding trading day.

[6] A margin interval is the maximum one-day price movement that the Clearing Corporations desire to protect against. It is determined for each underlying interest based on an analysis of the volatility in the market for the underlying interest.

[7] The description of the additional margin calculation in this proposed rule change does not include a description of the short option adjustment. The short option adjustment is essentially a refinement of the additional margin calculation which is intended to assure that TIMS require a minimum amount of additional margin with respect to certain net short positions in deep out-of-the-money-options. OCC and ICC both have proposed to modify the short option adjustment as set forth in File No. SR-OCC-91-12 [for notice of filing, see Securities Exchange Act Release No. 29445 (July 17, 1991), 56 FR 34083] and in File No. SR-ICC-92-03 [for notice of filing, see Securities Exchange Act Release No. 31181 (September 14, 1992), 57 FR 43759] both of which are currently pending before the Commission. The two rule changes that are the subject of this notice do not propose to change the method of calculating the short option adjustment.

[8] More specifically, the additional margin requirement is the largest of the variations as described or an alternative minimum additional margin requirement. The alternative minimum additional margin requirement essentially assures that TIMS requires a minimum amount of additional margin, even in accounts that are fully hedged (*i.e.*, accounts in which the value of the unsegregated long positions equals or exceeds the value of the short positions). The alternative minimum additional margin calculation is described in Securities Exchange Act Release No. 29990 (November 26, 1991), 56 FR 61455 [File Nos. SR-OCC-91-18 and SR-ICC-91-01] (order approving proposed rule changes). The two rule changes that are subject to this notice do not propose any change in the alternative minimum additional margin calculation.

[9] This percentage is determined on the basis of academic studies of the price correlation of the underlying interests in the product group. For example, OCC currently has established the percentage for the stock option product group at 70% and has established the percentage at ranges from 5% to 30% for the various non-equity option product groups.

The upside variations in the product group are added together to produce a net upside variation, and the downside variations in the product group are added together to produce a net downside variation. The additional margin requirement is equal to whichever of the net upside variation or the net downside variation represents the larger margin requirement or zero if both variations represent additional margin credits.

3. The Revised TIMS Additional Margin Methodology

Internal reviews of TIMS have led the Clearing Corporations to conclude that TIMS will generate additional margin requirements that more accurately reflect the true risk to each Clearing Corporation presented by the positions in a product group in an account if the variations relating to all intermediate points between the upside price and the downside price in the class groups in the product group are taken into account in making the product group additional margin calculation. As described above, the current TIMS additional margin methodology uses only the upside variation and the downside variation for each class group (*i.e.*, only the largest of the variations in the event of a rise or a decline in the market value of the interest underlying the class group) in making the product group additional margin calculation. It is therefore possible that the upside variation for one class group in the product group may correspond to the upside price for that class group while the upside variation for another class group in the product group may correspond to an intermediate point between the upside price and the market value of the underlying interest. In combining these two upside variations to generate a net upside variation for the product group, the current TIMS methodology is implicitly assuming that these market moves in the two class groups are likely to occur simultaneously. However, given the fact that the class groups within the product group exhibit price correlation, it is unlikely that the upside variation for one class group will correspond to the upside price for that class group while at the same time the upside variation for the other class group will correspond to an intermediate point between the upside price and the market value of the underlying interest.

Additional margin calculations which combine upside prices or downside prices at different points within the margin intervals of the respective class groups do not occur frequently (*i.e.* in less than 5% of instances) since the upside variations and downside variations in most class groups generally correspond to their respective upside prices and downside prices. However, when such a result does occur, the resulting additional margin amount for the product group as a whole may either overestimate or underestimate the risk presented by the positions in the product group. If each of two class groups has an upside variation that is an additional margin requirement and the two variations relate to different points in their respective margin intervals, adding the two together produces an overestimated additional margin amount since in reality both requirements are unlikely to occur simultaneously. If one class group has an upside variation that is an additional margin requirement and another has an upside variation that is an additional margin credit and the two variations relate to different points in their respective margin intervals, offsetting the two variations produces an underestimated additional margin amount since in reality the requirement and the credit are unlikely to occur simultaneously.

The proposed changes to OCC Rules 601 and 602 and to the ICC Margin Resolution would minimize the likelihood of such overestimations and underestimations by using the variations relating to all intermediate points between the upside price and the downside price in each class group in making product group additional margin calculations. This would be done as follows. Instead of using the exercise prices of all series in each class group as the intermediate points for additional margin calculation purposes, the interval between the upside price and the downside price for each class group would be divided into a fixed number of subintervals, and the points between the subintervals would be used as the intermediate points.[10] All class groups in a product group would therefore have an equal number of intermediate points, and the variations for each set of corresponding points would be algebraically added together.[11] This would generate a set of ten net variations for the equity option product group, and twenty net variations for the non-equity option product groups. The additional margin amount for any product group would be equal to the largest net variation representing a margin requirement or zero if all of the net variations calculated for the product group represent margin credits.

The proposed rule changes are consistent with section 17A of the Act[12] because they improve the risk assessment ability of the TIMS margin system and thereby increases the level of protection afforded to each Clearing Corporation by TIMS in some cases and reduces the collection by each Clearing Corporation of excessive margin in other cases.

*B. Self-Regulatory Organizations' Statement on Burden on Competition*

OCC and ICC do not believe that the proposed rule changes would impose any burden on competition.

*C. Self-Regulatory Organizations' Statement on Comments on the Proposed Rule Changes Received From Members, Participants or Others*

OCC and ICC have not solicited comments on the proposals, and none have been received.

**III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action**

Within thirty-five days of the date of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for such finding or (ii) as to which the SROs consent, the Commission will:

(A) By order approve such proposed rule changes or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

[10] OCC Rule 601 as amended would divide the interval between the upside price and the downside price for equity options into ten subintervals. This would mean that eight intermediate points together with the upside price and the downside price would be used for additional margin calculation purposes (the centerpoint, representing no movement in the market price of the underlying interest, would never generate an additional margin requirement or credit). Additional margin calculations for equity options are currently performed at an average of four intermediate points, representing two upside and two downside exercise prices. Similarly, OCC Rule 602 as amended would divide the interval between the upside price and the downside price for non-equity options into twenty subintervals. This would mean that eighteen intermediate points together with the upside price and the downside price would be used for additional margin calculation purposes. Additional margin calculations for non-equity options are currently performed at an average of ten intermediate points, representing five upside and five downside exercise prices. ICC's Margin Resolution as amended would also divide the interval between the upside price and the downside price for options into twenty subintervals. Likewise, this would mean that eighteen intermediate points together with the upside price and the downside price would be used for additional margin calculation purposes.

[11] Variations representing margin credits are reduced in the same way that margin credits from upside variations and downside variations are currently reduced. See footnote 9 and accompanying text.

[12] 15 U.S.C. 78q–1 (1988).

## IV. Solicitation of Comments

Interested persons are invited to submit data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filings will also be available for inspection and copying at the principal offices of OCC and ICC. All submissions should refer to the File Nos. SR–OCC–92–21 and SR–ICC–92–04 and should be submitted by November 20, 1992.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 92–26385 Filed 10–29–92; 8:45 am]

BILLING CODE 8010–01–M

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[Rel. No. IC–19049; 812–7852]

## California Daily Tax Free Income Fund, Inc., et al.; Application

October 23, 1992.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for exemption under the Investment Company Act of 1940 ("Act").

**APPLICANTS:** California Daily Tax Free Income Fund, Inc.; Connecticut Daily Tax Free Income Fund, Inc.; Cortland Trust, Inc. (Cortland General Money Market Fund, U.S. Government Fund, and Municipal Money Market Fund); Daily Dollar Reserves, Inc.; Daily Income Fund, Inc.; Daily Tax Free Income Fund, Inc.; Michigan Daily Tax Free Income Fund, Inc.; New Jersey Daily Municipal Income Fund, Inc.; New York Daily Tax Free Income Fund, Inc.; North Carolina Daily Municipal Income Fund, Inc.; Reich & Tang Equity Fund, Inc.; Reich & Tang Government Securities Trust; Short Term Income Fund, Inc. (Money Market Portfolio and U.S. Government Portfolio); Tax Exempt Proceeds Fund, Inc. (collectively, the "Funds"); Reich & Tang L.P. and the Cortland Division of Reich & Tang L.P. (the "Advisers"); Reich & Tang Distributors L.P. and the Cortland Division of Reich & Tang Distributors L.P. (the "Distributors"); and any open-end management investment company that may be established in the future that is within the same group of investment companies as defined in rule 11a–3 under the Act (the "Future Funds"). Q02

**RELEVANT ACT SECTIONS:** Application pursuant to section 6(c) of the Act for an order granting an exemption from the provisions of sections 18(f), 18(g), and 18(i) of the Act.

**SUMMARY OF APPLICATION:** Applicants seek an order permitting the Funds and the Future Funds to issue two classes of shares representing interests in the same investment portfolio. The two classes will be identical in all respects except for differences relating to class designations, the allocation of certain expenses, voting rights, and exchange privileges.

**FILING DATES:** The application was filed on January 15, 1992, and amended on June 17, 1992, and October 8, 1992.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 17, 1992, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons that wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, 100 Park Avenue, New York, New York 10017.

**FOR FURTHER INFORMATION CONTACT:** Nicholas D. Thomas, Staff Attorney, at (202) 504–2263, or Elizabeth G. Osterman, Branch Chief, at (202) 272–3016 (Office of Investment Company Regulation, Division of Investment Management).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

### Applicants' Representations

1. Each of the Funds, except the Reich & Tang Equity Fund, Inc. and the Reich & Tang Government Securities Trust (the "Non-Money Funds"), is a money market mutual fund (the money market mutual funds are referred to herein as the "Money Funds"). Each of the Funds is registered under the Act as an open-end management investment company. None of the Funds imposes a sales charge or a redemption charge.

2. Reich & Tang L.P., a registered investment adviser, serves as the investment adviser for each of the Funds. Reich & Tang Distributors L.P., a registered broker-dealer, serves as the distributor for the shares of each of the Funds except the portfolios of the Cortland Trust, Inc. The Cortland Division of Reich & Tang L.P. serves as adviser of the portfolios of the Cortland Trust, Inc. and the Cortland Division of Reich & Tang Distributors L.P. serves as the distributor for the shares of those portfolios.

3. The Funds currently can be divided into two categories. Certain of the Funds (the "12b–1 Funds") have adopted a plan pursuant to rule 12b–1 of the Act ("12b–1 Plans") and have entered into Shareholder Servicing and Administration Agreements (or, with respect to the Short Term Income Fund, Inc., agreed to directly compensate participating organizations for the performance of shareholder services) pursuant to which such Funds have agreed to bear certain costs of distributing their shares. Other Funds (the "non-12b–1 Funds") have either not adopted a 12b–1 Plan or, if they have adopted such a plan, have not entered into any Shareholder Servicing and Administration Agreement or other agreement pursuant to which they have agreed to bear any distribution expenses.

4. Applicants desire to create, upon the approval of the board of directors of a Fund, a second class of shares. With respect to the 12b–1 Funds, the existing class of shares will be redesignated Class A shares, and the new class, which will bear the features of the non-12b–1 Funds, will be designated Class B shares. The existing class of shares in the non-12b–1 Funds will be redesignated Class B shares, and the new class, which will bear the features of the 12b–1 Funds, will be designated Class A shares. Class A shares will be subject to a 12b–1 Plan and will be marketed largely through financial intermediaries that perform various servicing functions for their clients that invest in these Funds. These servicing

[13] 17 CFR 200.30–3(a)(12) (1991).

functions will be in addition to those servicing functions provided by each Fund through its transfer agent to all Fund shareholders. These additional servicing functions will include the provision of (i) consolidated brokerage account statements, (ii) omnibus subaccounting services, and (iii) sweep account privileges. These financial intermediaries will be compensated by the Distributor out of its shareholder servicing fee (or, in the case of the Short Term Income Fund, Inc., directly by that Fund) and by the Adviser from its advisory fee for the performance of these services. Class B shares will not be marketed through financial intermediaries that receive compensation for performing servicing functions for their clients that invest in these Funds. Therefore, neither the Distributor, the Adviser, nor, in the case of the Short Term Income Fund, Inc., the Fund itself, will pay compensation to these financial intermediaries as described above with respect to the Class A shares. The Adviser will pay any expenses incurred in the distribution of Class B shares.

5. After the creation of a second class of shares, each share in a Fund, regardless of class, will represent an interest in the same portfolio of investments and will have identical voting, dividend, liquidation and other rights, preferences, powers, restrictions, limitations, qualifications, designations, and terms and conditions, except that: (1) The Class A and Class B shares will have different class designations; (2) only the Class A shares will bear the fees charged pursuant to the terms of the 12b–1 Plans applicable to that class; (3) only the holders of the Class A shares will be entitled to vote on matters pertaining to the 12–b1 Plans and any related agreements in accordance with the provisions of rule 12b–1; (4) each class of shares will, as more fully described below, bear certain other expenses (referred to herein as "Class Expenses") that are directly attributable only to that class; and (5) the exchange privilege will permit shareholders to exchange their shares only for shares of the same class.

6. Class Expenses will consist of (a) transfer agent fees attributable to a specific class of shares; (b) printing and postage expenses related to preparing and distributing materials such as shareholder reports, prospectuses, and proxies to current shareholders of a specific class; (c) blue sky registration fees incurred by a class of shares; (d) SEC registration fees incurred by a class of shares; (e) the expenses of administrative personnel and services as required to support the shareholders of a specific class; (f) litigation or other legal expenses relating solely to one class of shares; and (g) directors' fees incurred as a result of issues relating to only one class of shares. No other Class Expenses will be charged without obtaining an amendment of the exemptive order requested hereby.

7. For funds that are money market funds, investment management fees and operating expenses that are attributable to both classes will be allocated daily to each share class based on the percentage of outstanding shares at the end of the day. For Funds that are not money market funds, investment management fees and operating expenses that are attributable to both classes will be allocated daily to each share class based on their respective adjusted net assets. For all Funds, payments that are made under 12b–1 Plans and Class Expenses will be calculated and charged to the appropriate class prior to determining the daily net asset value or the dividends/distributions.

**Applicants' Legal Conclusions**

1. Applicants request an order under section 6(c) exempting the Funds' proposed issuance and sale of two classes of securities to the extent that such issuance and sale might be deemed (i) to result in a "senior security" within the meaning of section 18(g) of the Act and be prohibited by section 18(f)(1), and (ii) to violate the equal voting provisions of section 18(i).

2. The creation of two classes does not present the concerns that section eighteen was designed to address. The proposed arrangement does not involve borrowings, affect any Fund's existing assets or reserves, nor increase the speculative character of any Fund shares. The proposed capital structure will not induce any group of shareholders to invest in risky securities to the detriment of any other group of shareholders because the investment risks of each Fund will be borne equally by all of its shareholders.

3. Mutuality of risk will be preserved with respect to all Fund shares. Further, because (i) all shares of each Fund will be redeemable at all times, (ii) no class of shares will have any distribution or liquidation preferences with respect to particular assets and no class will be protected by any special reserve or other account, and (iii) the characteristics of each class of shares will be fully disclosed in the propsectus and statement of additional information for such class, investors will not be given misleading impressions as to the safety or risk of the Class A and Class B shares and the nature of the shares will not be rendered speculative.

4. Insiders will not be able to manipulate expenses and profits among the shares of a Fund because the Funds are not organized in a pyramid fashion, all the expenses and profits of a Fund, except the payments under the 12b–1 Plans and Class Expenses, will be borne *pro rata* by all the shares of the Fund irrespective of a class, and all shareholders will have equal voting rights except with respect to matters pertaining to the 12b–1 Plans and related agreements. The concerns that a complex capital structure may facilitate control without equity or other investment and may make it difficult for investors to value the securities of the Funds are not present.

5. The proposed arrangement will permit the Funds to facilitate the distribution of their securities and expand the scope and depth of their services without assuming excessive accounting and bookkeeping costs or unnecessary investment risks. In addition, the Funds will be able, under the proposed arrangement, to match more precisely their distribution costs and transfer agency expenses with those investors on whose behalf such costs and expenses are incurred. Under the proposal, shareholders will also be able to benefit from the additional safety and stability resulting from their ability to invest in established, sizable investment portfolios.

6. The dual class structure will permit the Funds to save the organizational and other continuing costs that would be incurred if the Funds were required to establish new separate investment portfolios. Moreover, to the extent that the Funds are able, through the proposed arrangement, to expand their current shareholder base, their shareholders, irrespective of class, will benefit to the extent that such Funds' *pro rata* operating expenses are lower than they would be otherwise.

7. The proposed allocation of expenses and voting rights in the manner described in the application is equitable and will not discriminate against any group of shareholders. Investors purchasing Class A shares, and receiving the service provided under the 12b–1 Plans, will bear the costs associated with such services. Class A investors will also enjoy exclusive shareholder voting rights with respect to matters affecting the 12b–1 Plans.

**Applicant's Conditions**

Applicants agree that any order granting the requested relief shall be subject to the following conditions:

1. Each class of shares will represent interests in the same portfolio of investments of a Fund and be identical in all respects, except as set forth below. The only difference between the Class A and Class B shares of the same Fund will relate solely to: (a) The impact of payments under the 12b–1 Plans and any other incremental expenses subsequently identified that should be properly allocated to one class that shall be approved by the SEC pursuant to an amended order; (b) the fact that only the Class A shareholders will vote with respect to that Fund's 12b–1 Plan; (c) the designation of each such class; (d) certain Class Expenses that may be imposed upon a particular class of shares and that are limited to (i) transfer agent fees attributable to a specific class of shares, (ii) printing and postage expenses related to preparing and distributing materials such as shareholder reports, prospectuses and proxies to current shareholders of a specific class, (iii) blue sky registration fees incurred by a class of shares, (iv) SEC registration fees incurred by a class of shares, (v) the expense of administration personnel and services as required to support the shareholders of a specific class, (vi) litigation or other legal expenses relating solely to one class of shares, (vii) director's fees incurred as a result of issues relating to one class of shares, and (e) the different exchange privileges of each class of shares.

2. The directors of each Fund, including a majority of the independent directors, will approve the creation of a second class of shares prior to the offering of such shares by a particular Fund. The minutes of the meeting of the directors of the Fund regarding the deliberations of the directors with respect to the approvals necessary to implement the creation of a second class of shares will reflect in detail the reasons for the directors' determination that the creation of a second class of shares is in the best interests of both the Fund and its respective shareholders.

3. The initial determination of the Class Expenses, if any, that will be allocated to a particular class of a Fund and any subsequent changes thereto will be reviewed and approved by a vote of the board of directors including a majority of the directors that are not interested persons of such Fund. Any person authorized to direct the allocation and disposition of monies paid or payable by the Funds to meet Class Expenses shall provide to the board of directors, and the directors shall review, at least quarterly, a written report on the amounts so expended and the purpose for which such expenditures were made.

4. On an ongoing basis, the directors of each Fund that has established Class A and Class B shares, pursuant to their fiduciary responsibilities under the Act and otherwise, will monitor such Fund for the existence of any material conflicts between the interests of the Class A and Class B shareholders. The directors, including a majority of the independent directors, shall take such action as is reasonably necessary to eliminate any such conflicts that may develop. The Funds' Adviser and Distributor will be responsible for reporting any potential or existing conflicts to the directors. If a conflict arises, the Adviser and Distribution, at their own cost, will remedy such conflict up to and including establishing a new registered management investment company.

5. If still required by the Commission, any 12b–1 Plan adopted by the directors to permit the assessment of a rule 12b–1 fee on any class of shares that has not had its 12b–1 Plan approved by the public shareholders of that class will be submitted to the public shareholders of such class for approval at the next meeting of shareholders after the initial issuance of the class of shares. Such meeting is to be held within sixteen months of the date that the registration statement relating to such class first becomes effective or, if applicable, the date the amendment to the registration statement necessary to offer such class first becomes effective.

6. The directors of each Fund or Future Fund that has established Class A and Class B shares will receive quarterly and annual statements concerning distribution and shareholder servicing expenditures for the Class A shares complying with paragraph (b)(3)(ii) of rule 12b–1 as it may be amended from time to time. In the statements, only expenditures properly attributable to the sale or servicing of Class A shares will be used to justify any distribution or servicing fee charged to that class. Expenditures not related to the sale or servicing of Class A will not be presented to the directors to justify any fee attributable to that class. The statements, including the allocations upon which they are based, will be subject to the review and approval of the independent directors in the exercise of their fiduciary duties.

7. Dividends paid by a Fund or Future Fund with respect to each class of shares, to the extent any dividends are paid, will be calculated in the same manner, at the same time, on the same day, and will be in the same amount as dividends paid by the Fund with respect to the other class in the same fund, except that any payments pursuant to a 12b–1 Plan will be borne by Class A shares and any Class Expenses may be borne by the applicable class of shares.

8. In evaluating each 12b–1 Plan, the directors of each Fund will specifically consider whether (a) the 12b–1 Plan is in the best interest of the applicable classes and their respective shareholders, (b) the services to be performed pursuant to the 12b–1 Plan are required for the operation of the applicable classes, (c) the financial intermediaries can provide services at least equal, in nature and quality, to those provided by others, including the Fund, providing similar services, and (d) the fees for such services are fair and reasonable inlight of the usual and customary charges made by other entities, especially nonaffiliated entities, for services of the same nature and quality.

9. Each shareholder services agreement entered into pursuant to the 12b–1 Plan will contain a representation by the financial intermediary that any compensation payable to the financial intermediary (a) will be disclosed by it to its customers, (b) will be authorized by its customers, and (c) will not result in an excessive fee to the financial intermediary.

10. Each shareholder services agreement entered into pursuant to the 12b-1 Plan will provide that, in the event an issue pertaining to the 12b-1 Plan is submitted for shareholder approval, the financial intermediary will vote any shares held for its own account in the same proportion as the vote of those shares held for its customers' accounts.

11. The Distributor will adopt compliance standards as to when each class of shares may appropriately be sold to particular investors. Applicants will require all persons selling shares of the Fund to agree to conform to such standards.

12. The methodology and procedures for calculating the net asset value, dividends, and distributions of the Class A and Class B shares and the proper allocation of expenses between those classes have been reviewed by an expert (the "Expert") that has rendered a report to each Fund that has established Class A and Class B shares (which has been provided to the staff of the SEC) that such methodology and procedures are adequate to ensure that such calculations and allocations will be

made in an appropriate manner. On an ongoing basis, the Expert, or an appropriate substitute Expert, will monitor the manner in which the calculations and allocations are being made and, based upon such review, will render at least annually a report to such Fund that the calculations and allocations are being made properly. The reports of the Expert shall be filed as part of the periodic reports filed with the SEC pursuant to sections 30(a) and 30(b)(1) of the Investment Company Act. The work papers of the Expert with respect to such reports, following request by the Fund (which the Fund agrees to provide), will be available for inspection by the SEC staff upon the written request to the Fund for such work papers by a senior member of the Division of Investment Management, limited to the Director, an Associate Director, the Chief Accountant, the Chief Financial Analyst, an Assistant Director and any Regional Administrator or Associate and Assistant Administrators. The initial report of the Expert is a "Special Purpose" report on the "Design of a System" and the ongoing reports will be "Special Purpose" reports on the "Design of a System and Certain Compliance Tests" as defined and described in SAS No. 44 of the AICPA, as it may be amended from time to time, or in similar auditing standards as may be adopted by the AICPA from time to time.

13. Each Fund that has established Class A and Class B shares has adequate facilities in place to ensure implementation of the methodology and procedures for calculating the net asset value, dividends, and distributions of the Class A and Class B shares and the proper allocation of expenses between such classes of shares and this representation has been concurred with by the Expert in the initial report referred to in condition (12) above and will be concurred with by the Expert, or an appropriate substitute Expert, on an ongoing basis at least annually in the ongoing reports referred to in condition (12) above. Applicants will take immediate corrective measures if this representation is not concurred in by the Expert or an appropriate substitute Expert.

14. The conditions pursuant to which the exemptive order is granted and the duties and responsibilities of the directors of the Funds with respect to the creation of two classes of securities will be set forth in guidelines that will be furnished to the directors.

15. Each Fund will disclose the respective expenses, performance data, distribution arrangements, services, fees, sales loads, deferred sales loads, and exchange privileges applicable to each class of shares in every prospectus, regardless of whether both classes of shares are offered through each prospectus. The Funds will disclose the respective expenses and performance data applicable to both classes of shares in every shareholder report. To the extent any advertisement or sales literature describes the expenses or performance data applicable to either class of shares, it will also disclose the respective expenses and/or performance data applicable to both classes of shares. The information provided by applicants for publication in any newspaper or similar listing of each Fund's net asset value and public offering price will present each class of shares separately.

16. Applicants acknowledge that the grant of the exemptive order requested by the amended application will not imply SEC approval, authorization, or acquiescence (a) in any particular level or type of 12b-1 Plan or other payments that applicants may make in reliance on the exemptive order, or (b) in the manner in which fees are assessed or approved under any Shareholder Service and Administrative Agreements or the level of such fees.

17. Any Fund or Future Fund that allocates its expenses that are not attributable to a specific class *pro rata* to each share regardless of class, rather than *pro rata* to each class on the basis of the relative net asset values of the respective classes, will have more than one class of shares outstanding only when and for so long as it declares its dividends on a daily basis, accrues its payments for the 12b-1 Plans and payments of Class Expenses daily, and has received undertakings from the persons that are entitled to receive payments under the 12b-1 Plans and payments of Class Expenses waiving such portion of any such payments to the extent necessary to assure that payments (if any) required to be accrued by any such class of shares on any day do not exceed the income to be accrued to such class on that day. If such waivers are not sufficient to prevent a class's expense from exceeding its gross income on any given day, the Fund's Adviser will reimburse the Fund for the excess within five business days. In this manner, the net asset value per share for all shares in such a Fund will remain the same.

18. The Prospectus of each class will contain a statement to the effect that any person entitled to receive compensation for selling or servicing shares may receive different compensation with respect to one particular class of shares over another class.

For the Commission, by the Division of Investment Management, under delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 92-26386 Filed 10-29-92; 8:45 am]

BILLING CODE 8010-01-M

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**[Rel. No. IC-19050; 811-4532]**

## Liberty Advantage Trust; Application

October 23, 1992.

**AGENCY:** Securities and Exchange Commission ("SEC" or "Commission").

**ACTION:** Notice of application for deregistration under the Investment Company Act of 1940 (the "1940 Act").

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**APPLICANT:** Liberty Advantage Trust.

**RELEVANT 1940 ACT SECTION:** Section 8(f).

**SUMMARY OF APPLICATION:** Applicant seeks an order declaring that it has ceased to be an investment company under the 1940 Act.

**FILING DATE:** The application on Form N-8F was filed on October 13, 1992.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 17, 1992, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, Federal Reserve Plaza, Boston, MA 02210.

**FOR FURTHER INFORMATION CONTACT:** Felice R. Foundos, Staff Attorney, (202) 272-2190, or Barry D. Miller, Senior Special Counsel, (202) 272-3023 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

**Applicants' Representations**

1. Applicant is an open-end diversified management company organized as a Massachusetts business trust. On January 20, 1987, applicant registered under the 1940 Act as an investment company and filed a registration statement pursuant to section 8(b) of the 1940 Act. On that date, applicant also filed on registration statement pursuant to the Securities Act of 1933. The registration statement because effective on March 17, 1987.

2. At a meeting held on April 30, 1992, applicant's board of trustees approved a proposal to reorganize applicant and authorized the officers to do all acts necessary to effect the reorganization.

3. Under the proposed reorganization, a new open-end management investment company would be established called Liberty Financial Trust. The Liberty Financial Trust would have two series called the Liberty Financial U.S. Government Securities . Fund (the "LFT Government Fund"— and the Liberty Financial Tax-Free Bond Fund (the "LFT Tax-Free Fund") (collectively referred to as the "LTF Fund"). All of the assets and liabilities of each of the two series of applicant, Liberty Advantage U.S. Government Securities Fund (the "LAT Government Fund"), and Liberty Advantage Tax-Free Bond Fund (the "LAT Tax-Free Fund") (collectively referred to as the "LAT Funds") would be transferred to, respectively, the LTF Government Fund and the LFT Tax-Free Fund in exchange for shares of the corresponding LFT Fund.

4. In approving the reorganization, the board of trustees considered, among other things, that: (a) The investment objective, policies and functions of the LFT Government Fund and Tax Free Fund would be identical (in the case of the LFT Government Fund) and substantially identical (in the case of the LFT Tax Free Fund) to those of the corresponding predecessor LAT Fund, (b) the LFT Funds' management, administrative, service, underwriting and other agreements and distribution plans would be with the same service providers, at the same fee rates, and on the same or substantially the same terms and conditions as the agreements of the corresponding predecessor LAT Fund, (c) the applicant's investment adviser or an affiliate thereof would bear all expenses of reorganization, and (d) cost savings would result from combining under a single trust the broker-dealer distributed mutual funds managed by applicant's investment advisor, Stein Roe & Farnham Inc., administered by Liberty Investment Services, Inc. and distributed by applicant's principal underwriter, Liberty Services Corporation. The trustees also considered the fact that applicant's shareholders would suffer no dilution as a result of the reorganization.

5. Applicant filed preliminary proxy materials regarding the reorganization with the Commission on May 1, 1992 and definitive proxy materials on May 23, 1992. Beginning on May 27, 1992, applicant mailed to each shareholder of the LAT Funds a notice of a special shareholders meeting and the proxy materials. Applicant's shareholders approved the reorganization at a special meeting held on July 9, 1992.

4. On July 31, 1992, each LAT Fund transferred its assets and liabilities to the corresponding LFT Fund. In exchange for the LAT Funds' assets, the LFT Government Fund and the LFT Tax-Free Fund issued to the corresponding LAT Fund a number of shares of beneficial interest equal to the number of shares of the respective LAT Fund outstanding at the time of the reorganization. At the time of the transfer, no other shares of the LFT Funds were outstanding. On the same date, the LAT Funds also distributed *pro rata* to their respective shareholders the LFT Fund shares received in the exchange.

7. All expenses of the reorganization were borne by applicant's investment adviser or an affiliate thereof.

8. On of before the effective date of the order requested herein, applicant will execute and file with the Secretary of the Commonwealth of Massachusetts a written instrument declaring its termination and thereby terminating its legal existence.

9. As of the date of the application, applicant had no assets, debts or liabilities.

10. Applicant is neither engaged in nor proposes to engage in any business activities other than those necessary for winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 92-26387 Filed 10-29-92; 8:45 am]

BILLING CODE 8010-01-M

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**[Release No. 35-25659]**

## Filings Under the Public Utility Holding Company Act of 1935 ("Act")

October 23, 1992.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by November 13, 1992 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

*UNITIL Corporation (70-8050)*

UNITIL Corporation ("UNITIL"), 216 Epping Road, Exeter, New Hampshire 03833, a registered holding company, has filed a declaration under sections 6(a) and 7 of the Act and Rule 50(a)(5) thereunder.

By order dated April 24, 1992 (HCAR No. 25524), UNITIL was authorized by the Commission to acquire all of the common stock of Fitchburg Gas and Electric Light Company ("Fitchburg") and required to register as a public-utility holding company under section 5 of the Act. The merger was effected on April 28, 1992 ("Merger").

In respect to four employees and shareholder benefit plans that existed prior to the Merger, UNITIL now proposes, as set out below, to: (1) Issue and sell up to an aggregate of 76,827 shares of its no par value common stock ("Common stock") under its Dividend Reinvestment and Common Share Purchase Plan ("DRIP"); (2) issue and sell up to an aggregate of 70,206 and 44,612 shares of Common Stock, respectively, to the UNITIL Tax-Deferred Savings and Investment Plan (UNITIL TDSIP") and the Fitchburg Gas and Electric Light Company Union Tax-Deferred Savings and Investment Plan ("Fitchburg TDSIP"); (3) grant additional options, which together with options

already outstanding, will entitle the holders thereof to purchase up to 150,000 shares of Common Stock under the UNITIL Key Employee Stock Option Plan ("KESOP"); and (4) issue and sell up to an aggregate of 136,929 shares of Common Stock upon the exercise of options granted and to be granted under the KESOP.

UNITIL proposes to issue and sell up to 76,827 shares of its authorized Common Stock pursuant to its DRIP. Participants in the reinvestment plan may have cash dividends on all or part of their common shares automatically reinvested at a 5% discount from current market prices, as defined, and/or invest optional cash payments ranging from $25 to $5,000 per year at current market prices whether or not dividends are being reinvested. Employees of UNITIL and its subsidiaries who are eligible to participate have the additional option of using payroll reductions in the place of making direct cash payments. No commission or service charge is paid by participants in connection with purchases under the plan. Previously, 23,173 shares of Common Stock have been issued under the DRIP.

The UNITIL TDSIP and the Fitchburg TDSIP are two tax-deferred savings and investment plans that are qualified under section 401(k) of the Internal Revenue Code of 1986. Contributions and the funds generated thereby are held in trust and invested according to the participants' directions in four investment funds, one of which holds UNITIL Common Stock. UNITIL proposes to issue up to 70,206 shares of Common Stock under the UNITIL TDSIP and 44,612 shares of Common Stock under the Fitchburg TDSIP. Previously, 14,794 and 44,612 shares of Common Stock have been issued to the UNITIL TDSIP and the Fitchburg TDSIP, respectively, the KESOP, at its inception, was authorized to grant options for the purchase of up to 150,000 shares of Common Stock to key employees of UNITIL and its subsidiaries. The maximum exercise period for any option is ten years, and no options may be granted under the KESOP more than ten years after its adoption. The 150,000 shares authorized under the KESOP include shares that will be issued in conjunction with the exercise of granted options, pursuant to a dividend equivalency formula ("Dividend Equivalent Shares"). The dividend equivalency formula provides for the accrual of additional shares to participants in the plan, during the period between when the options are granted to a participant and when the participant exercises those options. During the period preceding exercise of options granted to them, participants in the plan are credited with a dividend equivalent for each share of Common Stock subject to an option. The "Dividend Equivalent" means the amount in dollars equal to the dividend declared on a single share of common stock. Such Dividend Equivalents are credited on the books of UNITIL, rounded to the nearest whole share, in the form of Dividend Equivalent Shares. The number of shares credited is determined as of each record date of dividends declared on outstanding Common Stock by dividing (1) the aggregate value of Dividend Equivalents by all shares of Common Stock subject to an option under an award of options by (2) the fair market value of Common Stock determined as of the record date for such dividend. Shares of Common Stock so credited earn additional Dividend Equivalents. The accrued Dividend Equivalent Shares are issued and payable to the participant only upon the exercise of granted options to the extent such options are exercised.

Previously granted options entitle the holders to purchase 79,875 shares of Common Stock, including 18,781 Dividend Equivalent Shares. UNITIL proposes to grant additional options to purchase Common Stock; provided that it shall not grant options that together with all previously issued options entitle the holders thereof to purchase more than 150,000 shares of Common Stock.

UNITIL proposes to issue and sell, pursuant to the KESOP, up to 136,929 shares of Common Stock upon the exercise of options granted and to be granted, including Dividend Equivalent Shares that have accrued and will accrue to plan participants under the dividend equivalency formula. The KESOP authorizes the issuance of 150,000 shares of Common Stock through the exercise of options. Previously, 13,071 shares had been issued under the KESOP through the exercise of options.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 92-26388 Filed 10-29-92; 8:45 am]

BILLING CODE 8010-01-M

## TENNESSEE VALLEY AUTHORITY

### Paperwork Reduction Act of 1980, as Amended by Public Law 99-591; Information Collection Under Review by the Office of Management and Budget (OMB)

**AGENCY:** Tennessee Valley Authority.

**ACTION:** Information collections under review by the Office of Management and Budget (OMB).

**SUMMARY:** The Tennessee Valley Authority (TVA) has sent to OMB the following proposals for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), as amended by Public Law 99-591.

Requests for information, including copies of the information collections proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be made within 30 days directly to the Agency Clearance Officer and also to the Desk Officer for the Tennessee Valley Authority; Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; Telephone: (202) 395-3084. Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, 1101 Market Street (MR 2F), Chattanooga, TN 37402-2801; (615) 751-2523.

*Type of Request:* Regular submission.

*Title of Information Collection:* Farmer Questionnaire—Vicinity of Nuclear Power Plants.

*Frequency of Use:* On occasion.

*Type of Affected Public:* Individuals or households, and farms.

*Small Businesses or Organizations Affected:* No.

*Federal Budget Functional Category Code:* 271.

*Estimated Number of Annual Responses:* 1200.

*Estimated Total Annual Burden Hours:* 600.

*Estimated Average Burden Hours Per Response:* .5.

*Need For and Use of Information:* This survey is used to locate, for monitoring purposes, rural residents, home gardens, and milk animals within a five mile radius of a nuclear power plant. The monitoring program is a mandatory requirement of the Nuclear Regulatory Commission set out in the technical specifications when the plants were licensed.

*Type of Request:* Regular submission.

*Title of Information Collection:* Electric Load Research Questionnaire.

*Frequency of Use:* On occasion.

*Type of Affected Public:* Individuals or households, state or local governments, farms, businesses or other for-profit, non-profit institutions, and small businesses or organizations.

*Small Businesses or Organizations Affected:* Yes.

*Federal Budget Functional Category Code:* 271.

*Estimated Number of Annual Response:* 1190.

*Estimated Total Annual Burden Hours:* 397.

*Estimated Average Burden Hours Per Response:* .33.

*Need For and Use of Information:* The information is required to evaluate the effects of demographic and other characteristics on the use patterns of electricity. This information is vital as input into TVA's ratemaking, cost-of-service studies, and load forecasting.

**John J. O'Donnell,**

*Vice President, Facilities Service.*

[FR Doc. 92-26314 Filed 10-29-92; 8:45 am]

BILLING CODE 8120-08-M

## Supplement to Final Environmental Impact Statement (FEIS): Tennessee River and Reservoir System Operation and Planning Review

**AGENCY:** Tennessee Valley Authority.

**ACTION:** Notice of intent.

**SUMMARY:** The Tennessee Valley Authority (TVA) is considering additional changes in reservoir operations for tributary reservoirs located in North Carolina and Georgia.

In 1991, the operating policy for the summer recreation season was changed for ten tributary lakes—Norris, Cherokee, South Holston, Watauga, Douglas, Fontana, Blue Ridge, Hiwassee, Nottely, and Chatuge. On these lakes more aggressive filling now occurs in the spring and unrestricted drawdown is delayed until August 1. This policy change was the subject of an environmental impact statement, "Tennessee River and Reservoir System Operation and Planning and Review," completed in December 1990; the decision being documented in a Record of Decision completed in February 1991.

The 1990 FEIS included alternatives (1B, 1C, and 1D) which extended delays on unrestricted drawdown until October 1 in certain sub-basins.

Adoption of these alternatives required additional review to better identify environmental and operational impacts (FEIS, pg 139). None of these alternatives were implemented at that time. Alternatives 1C and 1D are now being considered in response to a request by the State of North Carolina. On August 25, 1992, TVA signed an agreement with North Carolina to consider extending restrictions on drawdown of Western North Carolina and Georgia reservoirs through October 1. North Carolina expects this proposed change to stimulate economic development through additional tourism.

TVA is beginning operational and environmental studies to evaluate impacts that might occur from the proposed changes. Potential impacts to be studied include power production cost, lake levels in other reservoirs, flood control, lake water quality, and downstream flow demands to meet navigation, water supply, recreation, and water quality maintenance needs. Implementation of this proposal would be contingent on (1) completion of evaluations confirming that there would only be minimal impacts on downstream areas and other reservoirs and (2) the electric power system being fully reimbursed for additional costs resulting from the proposed changes.

Results of these studies will be published in a supplement to the 1990 environmental impact statement. A draft supplement will be made available to the public for comment.

**ADDRESSES:** Any comments on this proposal should be addressed to M. Paul Schmierbach, Manager, Environmental Quality, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 8B, Knoxville, Tennessee 37902-1499.

**FOR FURTHER INFORMATION CONTACT:** Richard M. Shane, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 8B, Knoxville, Tennessee 37902-1499. Telephone (615) 632-6654. Fax (615) 632-6855.

Dated: October 23, 1992.

**M. Paul Schmierbach,**

*Manager, Environmental Quality.*

[FR Doc. 92-26313 Filed 10-29-92; 8:45 am]

BILLING CODE 8120-01-M

## DEPARTMENT OF TRANSPORTATION

### Aviation Proceedings; Agreements Filed During the Week Ended October 23, 1992

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

*Docket Number:* 48416.
*Date filed:* October 19, 1992.
*Parties:* Members of the International Air Transport Association.
*Subject:* Geneva, September 21-26, 1992 (Europe-Japan/Korea) Geneva, September 28-30, 1992 (Europe-S. Asian Subcontinent) IATA Agreement:
TC23 Reso/P 0538 dated October 2, 1992.
Europe-Japan/Korea—r-1 to r-5
TC23 Reso/P 0539 dated October 2, 1992.
Europe-Japan/Korea—r-6 to r-7
TC23 Reso/P 0541 dated October 6, 1992.
Europe-S. Asian Subcontinent—R-8 to r-11.
*Proposed Effective Date:* Mostly November 1/some January 1, 1993.

*Docket Number:* 48417.
*Date filed:* October 19, 1992.
*Parties:* Members of the International Air Transport Association.
*Subject:* TC2 Reso/P 1302 dated October 2, 1992.
Expedited Within Europe Resos—R-1 to R-4 r-1-052a r-2-062a r030 072g r-4-059a.
*Proposed Effective Date:* Expedited January 1, 1993.

*Docket Number:* 48418.
*Date filed:* October 19, 1992.
*Parties:* Members of the International Air Transport Association.
*Subject:* TC 12 Reso/P 1438 dated September 25, 1992.
USA-Europe resos 002 (r-1) & 002n (r-2).
TC12 Fares 0392 Fares 0392 Fares 0392 dated October 9, 1992—Fares.
*Proposed Effective Date:* January 1, 1993.

*Docket Number:* 48429.
*Date filed:* October 23, 1992.
*Parties:* Members of the International Air Transport Association.
*Subject:* Comp Reso/C 0462 dated February 11, 1991 Reso 025b as it pertains to Area TC31.
*Proposed Effective Date:* Upon Government Approval.

*Docket Number:* 48430.
*Date filed:* October 22, 1992.
*Parties:* Members of the International Air Transport Association.
*Subject:* TC31 Reso/C 0219 dated April 22, 1991.
South Pacific (to/from US/US Territories) R-1 To R-4
*Proposed Effective Date:* Upon government Approval.

*Docket Number:* 48431.
*Date filed:* October 22, 1992.
*Parties:* Members of the International Air Transport Association.
*Subject:* TC31 Reso/C0221 dated April 22, 1991.
Japan-USA/US Territories Cargo Resos R-1 To R-5.
*Proposed Effective Date:* Upon Government Approval.

*Docket Number:* 48432.
*Date filed:* October 22, 1992.
*Parties:* Members of the International Air Transport Association.
*Subject:* TC31 Reso/C 0223 dated April 22, 1991.

Korea-USA/US Territories Cargo Resos R–1 To R–12.
*Proposed Effective Date:* Upon Government Approval.
*Docket Number:* 48433.
*Date filed:* October 22, 1992.
*Parties:* Members of the International Air Transport Association.
*Subject:* TC31 Reso/C 0228 dated July 25, 1991.
Southeast Asia-USA/US Territories R–1 To R–7.
*Proposed Effective Date:* Upon Government Approval.
*Docket Number:* 48434.
*Date filed:* October 22, 1992.
*Parties:* Members of the International Air Transport Association.
*Subject:* TC3 Reso/C 0070 dated May 21, 1991.
TC3 (to/from US Territories) R–1 to R–4.
*Proposed Effective Date:* Upon Government Approval.
*Docket Number:* 48435.
*Date filed:* October 23, 1992.
*Parties:* Members of the International Air Transport Association.
*Subject:* TC23 Reso/P 0544 dated October 16, 1992.
Expedited Africa–TC3 Resos—R–1 to R–4.
TC23 Reso/P0545 dated October 16, 1992.
Expedited Africa–TC3 Resos—R–5 to R–10.
TC23 Reso/P0547 dated October 16, 1992.
Expedited Mideast–TC3 Resos—R–11
TC23 Reso/P0548 dated October 16, 1992.
Expedited Mideast–TC3 Resos—R–12 to R–15.
*Proposed Effective Date:* Expedited December 1/January 1, 1993.
*Docket Number:* 48436.
*Date filed:* October 23, 1992.
*Parties:* Members of the International Air Transport Association.
*Subject:* TC12 Reso/P 1446 dated October 16, 1992.
Expedited North Atlantic-Africa Resos
R–1–002m and R–2–074zz.
*Proposed Effective Date:* December 1, 1992.

**Phyllis T. Kaylor,**

*Chief, Documentary Services Division.*

[FR Doc. 92–26354 Filed 10–29–92; 8:45 am]

BILLING CODE 4910–62–M

## Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q during the Week Ended October 23, 1992

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et. seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* 48415.
*Date filed:* October 19, 1992.
*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* November 16, 1992.
*Description:* Application of 967004 Ontario Ltd. Carrying on business as BTA Aviation, pursuant to section 402 of the Act and subpart Q of the Regulations requests a foreign air carrier permit for authority to provide charter air transportation of goods only between points in the United States and points in Canada, subject to the applicable regulations of the Department, between points in the United States and other points worldwide.

*Docket Number:* 48419.
*Date filed:* October 19, 1992.
*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* October 26, 1992.
*Description:* Application of Trans World Airlines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations, applies for a new or amended certificate of public convenience and necessity authorizing it to engage in scheduled air transportation of persons, property and mail between New York, New York, on the one hand, and Rio de Janeiro and Sao Paulo, Brazil on the other, either nonstop or via intermediate points.

*Docket Number:* 48421.
*Date filed:* October 19, 1992.
*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* October 26, 1992.
*Description:* Application of Tower Air, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations applies for a certificate of public convenience and necessity to operate scheduled passenger, property and mail air service between points in the United States of America and points in Brazil. Such points shall include New York, Miami, Rio de Janeiro, Sao Paulo and such other points in the United States and Brazil.

*Docket Number:* 48426.
*Date filed:* October 22, 1992.
*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* November 19, 1992.
*Description:* Application of Continental Air Transport Co. d/b/a Omni Air Express, pursuant to section 401 of the Act and subpart Q of the Regulations, requests issuance of a certificate of public convenience and necessity to authorize Omni to provide non-scheduled, charter interstate and overseas air transportation of property and mail.

*Docket Number:* 48427.
*Date filed:* October 22, 1992.
*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* November 19, 1992.
*Description:* Application of Charter Way Inc., pursuant to section 401(d)(3) of the Act and subpart Q of the Regulations, applies for a certificate of public convenience and necessity to authorize the Company to conduct charter foreign air transportation.

*Docket Number:* 48428.
*Date filed:* October 22, 1992.
*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* November 19, 1992.
*Description:* Application of Charter Way Inc., pursuant to section 401(d)(3) of the Act and subpart Q of the Regulations to authorize the Company to conduct charter interstate and overseas passenger air transportation.

*Docket Number:* 48437.
*Date filed:* October 23, 1992.
*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* November 20, 1992.
*Description:* Application of Continental Air Transport Co. d/b/a Omni Air Express, pursuant to section 401 of the Act and subpart Q of the Regulations, for issuance of a certificate of public convenience and necessity to authorize Omni to provide foreign charter air transportation of property and mail.

**Phyllis T. Kaylor,**

*Chief, Documentary Services Division.*

[FR Doc. 92–26355 Filed 10–29–92; 8:45 am]

BILLING CODE 4910–62–M

**National Highway Traffic Safety Administration**

**[Docket No. 92-60; Notice 1]**

## Receipt of Petition for Determination that Nonconforming 1991 Mercedes-Benz 500SE Passenger Cars are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for determination that nonconforming 1991 Mercedes-Benz 500SE passenger cars are eligible for importation.

**SUMMARY:** This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a determination that a 1991 Mercedes-Benz 500SE that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily modified to conform to the standards.

**DATE:** The closing date for comments on the petition is November 30, 1992.

**ADDRESS:** Comments should refer to the docket number and notice number, and be submitted to: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. [Docket hours are from 9:30 a.m. to 4 p.m.]

**FOR FURTHER INFORMATION CONTACT:** Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

**SUPPLEMENTARY INFORMATION:**

### Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined that.

(I) the motor vehicle is * * * substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 [of the Act], and of the same model year * * * as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards * * * *

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the **Federal Register.**

Champagne Imports Inc. of Lansdale, Pennsylvania (Registered Importer No. R-90-009) has petitioned NHTSA to determine whether 1991 Mercedes-Benz 500SE (Model ID 140.050) passenger cars are eligible for importation into the United States. The vehicle which Champagne believes is substantially similar is the 1991 Mercedes-Benz 300SE (Model ID 126.024). Champagne has submitted information indicating that Daimler Benz A.G., the company that manufactured the 1991 Mercedes-Benz 300SE, certified that vehicle as conforming to all applicable Federal motor vehicle safety standards and offered it for sale in the United States.

The petitioner contends that the 500SE is substantially similar to the 300SE, and differs mainly in engine size and "minor options which go with it." In accounting for the differences between the two vehicles, the petitioner observed that manufacturers such as Daimler Benz A.G. "generally design only a few basic body shell designs which they then equip with a multitude of engine-size and cosmetic or comfort options." The petitioner further surmised that the 500SE's absence from the United States market could be attributed to "salability considerations, or legislative restrictions such as the strict emission control requirements in the United States."

Champagne submitted information with its petition intended to demonstrate that the 1991 model 500SE, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the 1991 model 300SE that was offered for sale in the United States, or is capable of being readily modified to conform to those standards.

Specifically, the petitioner claims that the 1991 model 500SE is identical to the certified 1991 model 300SE with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence* * * *, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 107 *Reflecting Surfaces*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluid*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver From the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts, Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials*.

Additionally, the petitioner states that the 1991 model 500SE complies with the Bumper Standard found in 49 CFR part 581.

Petitioner also contends that the 1991 model 500SE is capable of being readily modified to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Substitution of a lens marked "Brake" for a lens with an ECE symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp that displays the seat belt symbol; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamp assemblies which incorporate sealed beam headlamps and front sidemarkers; (b) installation of U.S.-model taillamp assemblies which incorporate rear sidemarkers; (c) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* Installation of a tire information placard.

Standard No. 111 *Rearview Mirrors:* Replacement of the passenger's outside rearview mirror, which is convex but does not bear the required warning statement.

Standard No. 114 *Theft Protection:* Installation of a buzzer microswitch in the steering lock assembly, and a warning buzzer.

Standard No. 115 *Vehicle Identification Number:* Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power-Operated Window Systems:* Rewiring of the power window system so that the window transport is inoperative when the ignition is turned off.

Standard No. 206 *Door Locks and Door Retention Components:*

Replacement of the rear door locks and locking buttons with U.S.-model parts.

Standard No. 208 *Occupant Crash Protection:* (a) Installation of either a U.S.-model seat belt in the driver's position or a belt webbing-actuated microswitch in the driver's seat belt retractor to activate the seat belt warning system; (b) installation of an ignition switch-actuated seat belt warning lamp and buzzer. The petitioner claims that the 1991 model 500SE is equipped with an automatic restraint system consisting of an airbag, control module, and knee bolster, which have identical part numbers to those found on the U.S. certified 1991 model 300SE.

Standard No. 214 *Side Door Strength:* Installation of reinforcing beams.

Standard No. 301 *Fuel System Integrity:* Installation of a rollover valve in the fuel tank vent line between the fuel and the evaporative emissions collection canister.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: November 30, 1992.

**Authority:** 15 U.S.C. 1397(c)(3) (A)(i)(I) and (C)(ii); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: October 23, 1992.

**William A. Boehly,**

*Associate Administrator for Enforcement.*

[FR Doc. 92-26364 Filed 10-29-92; 8:45 am]

BILLING CODE 4910-59-M

## DEPARTMENT OF THE TREASURY

### Public Information Collection Requirements Submitted to OMB for Review

October 26, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

**Internal Revenue Service**

*OMB Number:* 1545-0196.
*Form Number:* IRS Form 5227.
*Type of Review:* Revision.
*Title:* Split-Interest Trust Information Return.
*Description:* The data reported is used to verify that the beneficiaries of a charitable remainder trust include the correct amounts in their tax returns, and that the split-interest trust is not subject to private foundation taxes.
*Respondents:* Businesses or other for-profit.
*Estimated Number of Respondents/Recordkeepers:* 35,000.
*Estimated Burden Hours Per Respondent/Recordkeeper:*
Recordkeeping—48 hours, 47 minutes
Learning about the law or the form—3 hours, 30 minutes
Preparing the form—10 hours, 2 minutes
Copying, assembling, and sending the form to the IRS—1 hour, 37 minutes
*Frequency of Response:* Annually.
*Estimated total reporting burden:* 2,237,550 hours.
*Clearance Officer:* Garrick Shear (202) 622-3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
*OMB Reviewer:* Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Departmental Reports Management Officer.*

[FR Doc. 92-26329 Filed 10-29-92; 8:45 am]

BILLING CODE 4830-01-M

**Number: 16-22**

### Directive; Withdrawals from Trust and Deposit Fund Accounts

October 22, 1992.

1. *Delegation.* By the authority granted to the Fiscal Assistant Secretary by Treasury Order (TO) 101-05, the Commissioner, Financial Management Service, is delegated authority to approve schedules for withdrawals from all trust and deposit fund accounts administered by the Financial Management Service for the Secretary of the Treasury.

2. *Redelegation.* The Commissioner, Financial Management Service, may redelegate this authority to personnel under the Commissioner's supervision and control.

3. *Cancellation.* Treasury Directive 16-22, "Withdrawals from Trust and Deposit Fund Accounts," dated September 22, 1986, is superseded.

4. *Authority.* TO 101-05, "Reporting Relationships and Supervision of Officials, Offices and Bureaus, Delegation of Certain Authority, and Order of Succession in the Department of the Treasury."

5. *Office of Primary Interest.* Office of the Fiscal Assistant Secretary.

**Gerald Murphy,**

*Fiscal Assistant Secretary.*

[FR Doc. 92-26379 Filed 10-29-92; 8:45 am]

BILLING CODE 4810-25-M

**[105-09]**

### Delegation of Authority to the Director, Office of Foreign Assets Control, With Respect to Executive Order 12817

October 23, 1992.

By virtue of the authority vested in the Secretary of the Treasury, including the authority granted by 31 U.S.C. 321(b), I hereby delegate to the Director, Office of Foreign Assets Control, all duties, powers and authorities delegated to the Secretary of the Treasury by Executive Order 12817, "Transfer of Certain Iraqi Government Assets Held by Domestic Banks," dated October 21, 1992.

**Nicholas F. Brady,**

*Secretary of the Treasury.*

[FR Doc. 92-26378 Filed 10-29-92; 8:45 am]

BILLING CODE 4810-25-M

**Fiscal Service**

**[Dept. Circ. 570, 1992—Rev., Supp. No. 6]**

### Surety Companies Acceptable on Federal Bonds; Suspension of Authority: MCA Insurance Co.

Notice is hereby given that the Certificate of Authority issued by the Treasury to MCA Insurance Company, of Tulsa, Oklahoma, under the United States Code, title 31, sections 9304-9308, to qualify as an acceptable surety on Federal bonds was suspended, effective October 22, 1992. The suspension will remain in effect until further notice.

The company was last listed as an acceptable surety on Federal bonds at

57 FR 29380, July 1, 1992. Federal bond-approving officers should annotate their reference copies of Treasury Circular 570 to reflect the suspension.

With respect to any bonds currently in force with MCA Insurance Company, bond-approving officers for the Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the Company. In addition, bonds that are continuous in nature should not be renewed.

Questions concerning this notice may be directed to the Department of the Treasury, Financial Management Service, Funds Management Division, Surety Bond Branch, Washington, DC 20227, Telephone (202) 874–6696.

**Charles F. Schwan III,**

*Director, Funds Management Division: Financial Management Service.*

[FR Doc. 92–26336 Filed 10–29–92; 8:45 am]

BILLING CODE 4810-35-M

# Sunshine Act Meetings

Federal Register
Vol. 57, No. 211
Friday, October 30, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

**FEDERAL DEPOSIT INSURANCE CORPORATION**

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of Subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 11:19 a.m. on Tuesday, October 27, 1992, the Corporation's Board of Directors determined, on motion of Director C. C. Hope, Jr. (Appointive), seconded by Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), concurred in by Director Stephen R. Steinbrink (Acting Comptroller of the Currency) and Acting Chairman Andrew C. Hove, Jr., that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Matters relating to the Corporation's corporate activities.

Recommendation regarding the liquidation of a depository institution's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 47,834
CrossLand Savings, FSB, New York City (Brooklyn), New York

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street NW., Washington, DC.

Dated: October 27, 1992.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Deputy Executive Secretary.*

[FR Doc. 92–26496 Filed 10–28–92; 10:07 am]

BILLING CODE 6714–01–M

**FEDERAL DEPOSIT INSURANCE CORPORATION**

**NOTICE OF AGENCY MEETING**

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 11:05 a.m. on Wednesday, October 28, 1992, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the probable failure of certain insured banks.

In calling the meeting, the Board determined, on motion of Director C. C. Hope, Jr. (Appointive), seconded by Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), and concurred in by Director Stephen R. Steinbrink (Acting Comptroller of the Currency) and Acting Chairman Andrew C. Hove, Jr., that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(8), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street, N.W., Washington, DC.

Dated: October 28, 1992.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Deputy Executive Secretary.*

[FR Doc. 92–26585 Filed 10–28–92; 3:44 pm]

BILLING CODE 6714–01–M

**FEDERAL MARITIME COMMISSION**

**TIME AND DATE:** 10:00 a.m., November 4, 1992.

**PLACE:** 1st Floor Hearing Room, Federal Maritime Commission, 800 North Capitol St., N.W., Washington, D.C. 20573–0001.

**STATUS:** Closed.

**MATTER(S) TO BE CONSIDERED:**

1. Docket Nos. 92–06, 92–07, 92–17 and 92–18—*Western Overseas Trade and Development Corporation, et al. v. Asia North America Eastbound Rate Agreement*—Consideration of Appeals/Exceptions.

2. Transpacific Trades Malpractices.

**CONTACT PERSON FOR MORE INFORMATION:** Joseph C. Polking, Secretary, (202) 523–5725.

**Joseph C. Polking,**

*Secretary.*

[FR Doc. 92–26584 Filed 10–28–92; 3:38 pm]

BILLING CODE 6730–01–M

**BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM**

**TIME AND DATE:** 10:00 a.m., Wednesday, November 4, 1992.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

1. Proposed amendments to Regulations K (International Banking Operations) and Y (Bank Holding Companies and Change in Bank Control) to implement the Foreign Bank Supervision Enhancement Act of 1991. (Proposed earlier for public comment; Docket No. R–0754).

2. Any items carried forward from a previously announced meeting.

**Note:** This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to:

Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: October 28, 1992.

**Jennifer J. Johnson**

*Associate Secretary of the Board.*

[FR Doc. 92–26498 Filed 10–28–92; 10:08 am]

BILLING CODE 6210–01–M

**BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM**

**TIME AND DATE:** Approximately 11:00 a.m., Wednesday, November 4, 1992, following a recess at the conclusion of the open meeting.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets NW., Washington, DC 20551.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. Proposals regarding a Federal Reserve Bank's building requirements.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: October 28, 1992.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 92–26499 Filed 10–28–92; 10:08 am]

BILLING CODE 6210–01–M

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**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

**INSTITUTE OF MUSEUM SERVICES**

Notice of Meeting

**SUMMARY:** This notice sets forth the agenda of a forthcoming meeting of the National Museum Services Board. This notice also describes the functions of the Board. Notice of this meeting is required under the Government in the Sunshine Act (Public Law 94–409) and regulations of the Institute of Museum Services, 45 CFR 1180.84.

**TIME/DATE:**

2:00 p.m. to 4 p.m.—Thursday, November 12, 1992

9:00 a.m. to 4 p.m.—Friday, November 13, 1992

**STATUS:** Open.

**ADDRESS:** Old Post Office Building, 1110 Pennsylvania Avenue, N.W., Main Floor—Room M07, Washington, D.C. 20506.

**FOR FURTHER INFORMATION CONTACT:** S. William Laney, Executive Assistant to the National Museum Services Board, Room 510, 1100 Pennsylvania, Avenue, N.W., 20506 (202) 606–8536.

**SUPPLEMENTARY INFORMATION:**

The National Museum Services Board is established under the Museum Services Act, Title II of the Arts, Humanities, and Cultural Affairs Act of 1976, Public Law 94–462. The Board has responsibility for the general policies with respect to the powers, duties, and authorities vested in the Institute under the Museum Services Act.

The meetings of Thursday, November 12 and Friday, November 13, 1992 will be open to the public.

If you need special accommodations due to a disability, please contract: Institute of Museum Services, 1110 Pennsylvania Avenue, N.W., Washington, D.C. 20506—(202) 606–8536—TDD (202) 606–8636 at least seven (7) days prior to the meeting date.

**NATIONAL MUSEUM SERVICES BOARD**

November 12, 1992—Meeting Agenda

I. Report to the NMSB by Development and Membership (DAM) Committee of the American Association of Museums (AAM)

November 13, 1992—Meeting Agenda

I. NMSB Chairman's Report and Approval of Minutes from July 24, 1992 Meeting
II. Agency Director's Report
III. Agency Agenda Reports: Programs
IV. Agency Agenda Reports: Appropriations/ Legislative
V. NMSB Open Agenda

Dated: October 26, 1992.

**Linda Bell,**

*Director of Policy Planning and Budget. Institute of Museum Services.*

[FR Doc. 92–26504 Filed 10–28–92; 10:46 am]

BILLING CODE 7036–01–M

# Corrections

Federal Register
Vol. 57, No. 211
Friday, October 30, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## FEDERAL COMMUNICATIONS COMMISSION

**47 CFR Part 1**

**[FCC 92-448]**

### Policy Regarding Character Qualifications in Broadcast Licensing

*Correction*

In rule document 92-25070 beginning on page 47410 in the issue of Friday, October 16, 1992, in the third column, the **EFFECTIVE DATE** should read "January 14, 1993".

BILLING CODE 1505-01-D

## DEPARTMENT OF LABOR

**Mine Safety and Health Administration**

**30 CFR Parts 56 and 57**

**RIN 1219-A417**

### Safety Standards for Explosives at Metal and Nonmetal Mines

*Correction*

In proposed rule document 92-25013 beginning on page 47524, in the issue of Friday, October 16, 1992, make the following corrections:

1. On page 47525, in the 3d column, in the 2d complete paragraph, in the 12th line, "related" should read "unrelated".

2. On page 47528, in the 1st column, in the 2d complete paragraph, in the 11th line, "and" should read "of".

**§ 57.6902 [Corrected]**

3. On page 47533, in the third column, in § 57.6902(b)(1), in the first line, "blasthold" should read "blasthole".

BILLING CODE 1505-01-D

## DEPARTMENT OF TRANSPORTATION

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. 91-NM-234-AD; Amdt. 39-8357; AD 92-18-12]**

### Airworthiness Directives; Boeing Model 747 Series Airplanes

*Correction*

In rule document 92-24750 beginning on page 46768 in the issue of Tuesday, October 13, 1992, make the following corrections:

**§ 39.13 [Corrected]**

1. On page 46770, in § 39.13, in the second column:

(a) In paragraph (b)(2), in the second line "2602012-2, -3, -4, and -5" should read "2601902-1, -2, and -5".

(b) In paragraph (b)(3)(iii), in the first and second lines "2601902-2, -3, -4 and -6" should read "2601902-3, -4, and -6"; and in the fourth line, "if" should read "If".

(c) In paragraph (b)(3)(vi), in the the third line "2601902-3, -4." should read "2601902-3, -4,".

2. In the third column, in paragraph (b)(4)(v), in the second line "2605662-5" should read "2605662-2".

BILLING CODE 1505-01-D

Federal Register

Friday
October 30, 1992

Part II

# Department of Commerce

International Trade Administration

**Urnaium from Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine, and Uzbekistan; Suspension of Antidumping Investigations and Amendment of Preliminary Determinations; Notice**

DEPARTMENT OF COMMERCE

International Trade Administration

[A-100-002]

**Antidumping; Uranium from Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine, and Uzbekistan; Suspension of Investigations and Amendment of Preliminary Determinations.**

**AGENCY:** International Trade Administration, Import Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce has decided to suspend the antidumping investigations involving uranium from Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan, Ukraine, and Uzbekistan. The bases for the suspensions are agreements by the governments of Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan, Ukraine, and Uzbekistan to restrict the volume of direct or indirect exports to the United States in order to prevent the suppression or undercutting of price levels of United States domestic uranium. The Department is also amending its preliminary determinations to include highly-enriched uranium (HEU) within the scope of the investigations.

**EFFECTIVE DATE:** October 16, 1992.

**FOR FURTHER INFORMATION CONTACT:** Melissa Skinner or Steven Presing, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th & Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-4851 or (202) 482-4106.

**SUPPLEMENTARY INFORMATION:**

**Background**

On December 5, 1991, the Department of Commerce (the Department) initiated an antidumping duty investigation under section 732 of the Tariff and Trade Act of 1930 (the Act), as amended, to determine whether imports of uranium from the Union of Soviet Socialist Republic (USSR) are being or are likely to be sold in the United States at less than fair value (56 FR 63711).

In early December 1991, we notified the International Trade Commission (ITC) of our action. On December 23, 1991, the ITC issued an affirmative preliminary injury determination.

On December 25, 1991, the USSR dissolved and the United States subsequently recognized the 12 newly independent States (NIS) which emerged. In early January 1992, the U.S. State Department informed us that the Russian Embassy was acting as a liaison to the other NIS. On January 16, 1992, we presented antidumping duty questionnaires to the Russian Embassy and other Russian representatives. On June 3, 1992, we published preliminary determinations that imports of uranium from Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine, and Uzbekistan were being sold in the United States at less than fair value (LTFV) and that uranium from Armenia, Azerbijan, Byelarus, Georgia, Moldova, and Turkmenistan was not being, nor was it likely to be, sold in the United States at LTFV (57 FR 23380, June 3, 1992).

**Case History**

Since the publication of our preliminary determinations in the **Federal Register** the following events have occurred.

Pursuant to requests made by petitioners (for those countries which received a preliminary negative determination) and an interested party in the investigation on imports from the Russian Federation, the Department postponed the final determinations for all 12 uranium investigations until October 16, 1992 (57 FR 30946, July 13, 1992).

On May 28, 1992, petitioners submitted a letter arguing that highly-enriched uranium (HEU) be included within the scope of these investigations. On June 24, 1992, petitioners commented on the Department's preliminary decision to exclude HEU from the scope of these investigations. This submission was supplemented on July 28, 1992. On August 11, 1992, petitioners requested that the Department expedite its final determination on whether HEU is included in the scope of these investigations. Petitioners made a final argument regarding HEU on September 11, 1992.

On July 17, 1992, Techsnabexport Ltd., Nuexco Trading Corporation (Nuexco), Energy Fuels Nuclear, Inc. (EFN), and Global Nuclear Services and Supply Ltd. (GNSS) (collectively referred to herein as Tenex) submitted a letter arguing that HEU is not within the scope of these investigations and that three classes or kinds of merchandise exist in these investigations.

On August 14, 1992, Maine Yankee Atomic Power Company and Vermont Yankee Nuclear Power Corporation (the Yankee Group) submitted comments arguing that the Department should exclude low-enriched uranium (LEU) and HEU from the scope of these investigations.

On June 12, 1992, petitioners submitted information concerning the Department's factors of production analysis. On June 23, 1992, Tenex responded to petitioners' submission.

On May 28, 1992, we received a facsimile message from the United States Embassy in Moscow with a letter to the Department from the permanent representative of Azerbaijan to the Russian Federation. This letter stated that no uranium or uranium-containing materials were exported from Azerbaijan to the United States.

On July 15, 1992, the Department received the response of Ukraine to our questionnaire. This response stated that no uranium has been shipped from Ukraine to the United States since December 1, 1991, and before that date Ukraine was not independent and, therefore, it did not have responsibility for its exports.

On July 17, 1992, we received a facsimile message from the Ministry of Foreign Affairs of Belarus stating that Belarus did not export uranium to the United States in 1991.

On July 20 and 24, 1992, we sent cables to our embassies in those countries which received preliminary negative determination requesting that each government provide the Department an official, certified response.

On August 11, 1992, we received via the State Department a certified questionnaire response from Armenia stating that Armenia did not produce, export, or stockpile uranium during the period of investigation (POI).

On August 6, 1992, petitioners addressed the contents of a May 7, 1992, Departmental Memorandum concerning the legal options for settlement of these investigations.

On August 26, 1992, petitioners submitted a letter to the Department from the President of Maine Yankee to Senator George Mitchell which, petitioners state, confirms many of their previous arguments regrading dumped Commonwealth of Independent States (CIS) imports and the nature of the uranium industry in the CIS.

On September 16, 1992, the Department initialed proposed suspension agreements with the governments of the Russian Federation, Ukraine, Kazakhstan, Uzbekistan, and Kyrgyzstan. On October 7, 1992, we received comments regarding the proposed suspension agreements from the above parties, with the exception of Kazakhstan, as well as petitioners and the U.S. Department of Energy.

On September 16, 1992, we received a questionnaire response from

Uzbekistan, which we rejected as untimely on September 22, 1992.

On September 21, 1992, we received case briefs regarding our preliminary determinations from petitioners, Tenex, the Yankee Group, the Russian Federation, Uzbekistan, Kyrgyzstan, Ukraine, and Tajikistan. We received rebuttal briefs from these parties on September 28, 1992. On September 30, 1992, all parties which requested a public hearing for these investigations withdrew their requests. Therefore, no public hearing was held.

On September 24, 1992, Uzbekistan submitted a letter arguing that Tenex did not qualify as an interested party in its investigation. The Department agreed with Uzbekistan and issued a letter in that regard on September 25, 1992. On September 28, 1992, Tenex responded to the Department's letter and Uzbekistan's assertions by alleging that it exported Uzbek uranium during the POI and has continuing interests and rights to protect with respect to Uzbek uranium. Therefore, Tenex argues, it should continue to be considered an interested party in the Uzbekistan investigation. On October 5, 1992, Uzbekistan submitted a letter to the Department asserting that the Department should affirm its decision to deny Tenex interested party status. On October 16, 1992, the Department issued a decision memorandum which determined Tenex is not an interested party within the meaning of the Act and the Department's regulations.

On September 25, 1992, the United States Court of International Trade sustained the Department's decision to continue these investigations against each of the twelve constituent republics of the former USSR.

**Products Under Investigation**

We have determined that the merchandise covered by these investigations constitutes one class or kind of merchandise. We have further determined that HEU is included in the scope of these investigations and hereby amend the preliminary determinations accordingly. For the Department's rationale regarding this issue, see Memorandum to Alan M. Dunn from Francis J. Sailer dated October 16, 1992. The above-referenced memorandum and all other memoranda cited in this notice can be found in the public file in the Central Records Unit, Room B099 of the Main Commerce Building.

The merchandise covered by these investigations includes natural uranium in the form of uranium ores and concentrates; natural uranium metal and natural uranium compounds; alloys, dispersions (including cermets), ceramic products and mixtures containing natural uranium or natural uranium compounds; uranium enriched in $U^{235}$ and its compounds; alloys, dispersions (including cermets), ceramic products, and mixtures containing uranium enriched in $U^{235}$ or compounds of uranium enriched in $U^{235}$, and any other forms of uranium within the same class or kind of merchandise. The uranium subject to these investigations is provided for under subheadings 2612.10.00.00, 2844.10.10.00, 2844.10.20.10, 2844.10.20.25, 2844.10.20.50, 2844.10.20.55, 2844.10.50.00, 2844.20,00.10, 2844.20.00.20, 2844.20.00.30, and 2844,20.00.50, of the Harmonized Tariff Schedule (HTS). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of these proceedings is dispositive. We will verify all the information used in making our final determinations in accordance with section 776(a) of the Act, if these investigations are continued under section 734(g) of the Act.

In accordance with section 733(f) of the Act, we will notify the ITC of these determinations. In addition, if the investigations are continued, we will make all nonprivileged and nonproprietary information relating to these investigations available to the Commission.

**Suspension of Investigations**

The Department consulted with the parties to the proceedings and has considered the comments submitted with respect to the proposed suspension agreements. The signed suspension agreements reflect the decisions of the Department with respect to many of the issues parties raised in their comments. In addition, we have placed in the record of these proceedings our position papers on key issues.

The Republic of Tajikistan requested that the Department consider suspension of the investigation on uranium from Tajikistan. Due to civil disturbances in Tajikistan in September, Tajikistan was unable to negotiate a proposed suspension agreement by September 16, 1992, the statutory and regulatory date by which the Department is obligated to notify petitioners of such such initialed agreement. On October 15, 1992, petitioners waived their right to comment on any proposed agreement between the Department and Tajikistan, provided any such agreement is consistent with the terms of the proposed agreements with other CIS states initialed on September 16, 1992.

We have determined that the agreements will prevent the suppression or undercutting of price levels of United States domestic uranium, that the agreements can be monitored effectively, and that the agreements are in the public interest. We find, therefore, that the criteria for suspension of an investigation pursuant to section 734 of the Act have been met. The terms and conditions of the agreements, signed October 16, 1992, are set forth in Annex 1 to this notice.

Pursuant to section 734(f)(2)(A) of the Act, the suspension of liquidation of all entries, entered or withdrawn from warehouse for consumption, of uranium from Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan, Ukraine, and Uzbekistan, effective June 3, 1992, as directed in our notice of "Antidumping Preliminary Determination of Sales at Less Than Fair Value, Uranium From Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine, and Uzbekistan," is hereby terminated. Any cash deposits on entries of uranium from Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine, and Uzbekistan pursuant to that suspension of liquidation shall be refunded and any bonds shall be released.

Upon receipt of a request during the anniversary month of the publication of these suspension agreements, the Department will conduct an administrative review as provided in section 751 of the Act.

Notwithstanding the suspension agreements, the Department will continue the investigations if we receive such a request in accordance with section 734(g) of the Act within 20 days after the effective date of this notice.

This notice is published pursuant to section 734(f)(1)(A) of the Act and 19 CFR 353.18.

Dated: October 16, 1992.

**Alan M. Dunn,**

*Assistant Secretary for Import Administration.*

I have determined pursuant to section 734(l) of the Act that the provisions of these suspension agreements prevent suppression or undercutting of price levels of domestic products with respect to uranium exported, directly or indirectly, from Kazakhstan, Kyrghyzstan, the Russian Federation, Tajikistan, Ukraine, and Uzbekistan to the United States. Furthermore, I have determined, in accordance with section 734(d) of the Act, that these suspension agreements are in the public interest and that the provisions of Section VIII ensure that these agreements can be monitored effectively.

Dated: October 16, 1992.

**Alan M. Dunn,**

*Assistant Secretary for Import Administration.*

**Agreement Suspending the Antidumping Investigation on Uranium from Kazakhstan**

For the purpose of encouraging free and fair trade in uranium products for peaceful purposes, establishing more normal market relations, and recognizing that this Agreement is necessary for the protection of the essential security interests of the United States and Kazakhstan, pursuant to the provisions of section 734 of the Tariff Act of 1930, as amended (19 U.S.C. 1673c) (the "Act"), the United States Department of Commerce ("the Department") and the Government of Kazakhstan enter into this suspension agreement ("the Agreement").

The Department finds that this Agreement is in the public interest; that effective monitoring of this Agreement by the United States is practicable; and that this Agreement will prevent the suppression or undercutting of price levels of United States domestic uranium products by imports of the merchandise subject to this Agreement.

On the basis of this suspension agreement, the Department shall suspend its antidumping investigation with respect to uranium from Kazakhstan, subject to the terms and provisions set forth below. Further, the Department will instruct the U.S. Customs Service to terminate the suspension of liquidation and to release any cash deposit or bond posted on the products covered by this Agreement as of the effective date of this Agreement.

*I. Basis for the Agreement*

In order to prevent the suppression or undercutting of price levels of United States domestic uranium, the Government of Kazakhstan will restrict the volume of direct or indirect exports to the United States of uranium products from all producers/exporters of uranium products in Kazakhstan subject to the terms and provisions set forth below.

*II. Definitions*

For purposes of this Agreement, the following definitions apply:

(a) Pounds $U_3O_8$ equivalents are calculated using the following formulas:

- measured uranium (U) content is converted to $U_3O_8$ by multiplying U by 1.17925
- $U_3O_8$ is converted to U content by multiplying by 0.84799
- 1 Kg $U_3O_8$ = 2.20462 lbs. $U_3O_8$
- 1 Kg U in $UF_6$ = 2.61283 lbs. $U_3O_8$ equivalent
- 1 Kg U in $U_3O_8$ = 2.59982 lbs. $U_3O_8$ equivalent

(b) Date of Export for imports into the United States accompanied by an export certificate of the merchandise subject to this Agreement shall be considered the date the export certificate was endorsed.

(c) Parties to the Proceeding—means any interested party, within the meaning of § 353.2(k) of the Department's regulations, which actively participates through written submissions of factual information or written argument.

(d) Indirect Exports—means arrangements as defined in section IV.F. of this Agreement and exports from Kazakhstan through one or more third countries, whether or not such export is sold in one or more third country prior to importation into the United States.

*III. Product Coverage*

The merchandise covered by this Agreement are the following products from Kazakhstan:

Natural uranium in the form uranium ores and concentrates; natural uranium metal and natural uranium compounds; alloys, dispersions (including cermets), ceramic products and mixtures containing natural uranium or natural uranium compounds; uranium enriched in $U^{235}$ and its compounds; alloys, dispersions (including cermets), ceramic products, and mixtures containing uranium enriched in $U^{235}$ or compounds of uranium enriched in $U^{235}$; and any other forms of uranium within the same class or kind.

Uranium ore from Kazakhstan milled into $U_3O_8$ and/or converted into $UF_6$ in another country prior to direct and/or indirect importation into the United States is considered uranium from Kazakhstan and is subject to the terms of this Agreement.

For purposes of this Agreement, uranium enriched in $U^{235}$ in another country prior to direct and/or indirect importation into the United States is not considered uranium from Kazakhstan and is not subject to the terms of this Agreement.

Imports of uranium ores and concentrates, natural uranium compounds, and all forms of enriched uranium are currently classifiable under Harmonized Tariff Schedule ("HTS") subheadings: 2612.10.00, 2844.10.20, 2844.20.00, respectively. Imports of natural uranium metal and forms of natural uranium other than compounds are currently classifiable under HTS subheadings: 2844.10.10 and 2844.10.50. HTS subheadings are provided for convenience and customs purposes. The written description of the scope of these proceedings is dispositive.

*IV. Export Limits*

A. The Government of Kazakhstan will restrict the volume of direct or indirect exports on or after the effective date of this Agreement to the United States and the transfer or withdrawal from inventory (consistent with the provisions of paragraph E) of the merchandise subject to this Agreement in accordance with the export limits and schedule set forth in Appendix A.

Export limits are expressed in terms of pounds $U_3O_8$ equivalent and kilograms uranium (Kg U).

Export limits are applied on the basis of "Date of Export", as defined in section II.

For purposes of this Agreement, United States shall comprise the customs territory of the United States of America (the 50 States, the District of Columbia and Puerto Rico) and foreign trade zones located in the territory of the United States of America.

B. The export limits of this Agreement shall be effective for the periods October 1 through September 30 (the "Relevant Period").

C.1. For purposes of determining the applicable quota level, the Department will determine the market price. In determining the market price for purposes of establishing the quota level, the Department will use price information in terms of U.S. dollars per pound $U_3O_8$ obtained from the following sources:

*Spot Market Price:* The Uranium Price Information System Spot Price (UPIS SPI) and the Uranium Exchange Spot Price (Ux Spot). The Department will calculate a simple average of the monthly values as expressed by these two sources to determine the Spot Price.

*Long-term Contract Price:* The simple average of the UPIS Base Price and the long-term price as determined by the Department on the basis of information provided to the Department by market participants. In determining the long-term price on the basis of information provided to the Department, the Department will use only such information submitted to which the submitter agrees to permit verification.

All information from the identified sources will be subject to review by the Department on the basis of information available from other sources. Furthermore, during the life of the Agreement, the Department can, as appropriate, select alternative sources to use in determining the market price. Should the Department determine that any or all of the identified sources are no longer appropriate, the Department

will give parties at least 30 days notice of this decision.

This determination will be made semi-annually. The Department will announce the market price and corresponding quota level on October 1 and April 1 of each year, except as provided below with respect to the first period.

With respect to the first period, which begins on the effective date of this Agreement and ends on March 31, 1993, the Department will determine a market price no later than October 30, 1992. The quota level corresponding to this price will apply to covered exports through March 31, 1993.

In determining the market price the Department will rely on price information from the identified sources covering the previous six-month period for which prices are available. For example, on October 1, the Department will announce the market price as determined by review of price information relating to the period March 1 through September 1. On April 1, the Department will announce the market price as determined by review of price information relating to the period September 1 through March 1. However, for the first period (October 16, 1992 through March 31, 1993) the Department will utilize price information relating to the period April 1, 1992 through September 30, 1992. For the period beginning on April 1, 1993, the Department will utilize price information relating to the period October 16, 1992 through March 1, 1993.

The quota level announced on October 1 will be equal to one-half of the annualized quota, as expressed in Appendix A, for the corresponding market price. The announced quota level will be the volume, in terms of pounds $U_3O_8$ equivalent, that may be exported to the United States in any form from Kazakhstan during the six month period beginning on October 1 and ending on the following March 31.

The quota level announced on April 1 will be equal to one-half of the annualized quota, as expressed in Appendix A, for the corresponding market price. The announced quota level will be the volume, in terms of pounds $U_3O_8$ equivalent, that may be exported to the United States in any form from Kazakhstan during the six-month period beginning on April 1 and ending on the following September 30.

2. Except as provided in paragraph 3 below, multi-year contracts entered into after the effective date of this Agreement may not provide for annual deliveries in excess of the quota allowed under the Agreement as of the date of contract. If such multi-year contracts specify a price at or above the minimum price in the Appendix A price band then in effect on the date the contract was entered into, annual deliveries under such contracts will be applied against the annual quotas in effect at the time of delivery, but may be made in the full amount for the full term of the contract even if they exceed annual quotas in effect at the time of delivery.

3. Notwithstanding paragraph 2, multi-year contracts entered into after the effective date of this Agreement may provide for annual deliveries in excess of the quota allowed under the Agreement as of the date of contract endorsement, provided that they are conditioned upon the necessary additional quota being available at the time of delivery. However, annual deliveries under such conditional contracts shall be strictly subject to the annual quotas in effect at the time of delivery.

D. For the first 90 days after the effective date of this Agreement, products exported from Kazakhstan shall be admitted to the United States without an export license and certificate issued by the Government of Kazakhstan specifically for exports to the United States after the date of this Agreement only upon notification to the Department by the individual who signed this Agreement or his/her designated successor.

The volume of such imports will be counted towards the export limit for the covered products for the first identified period.

The volume of such imports shall be determined in terms of pounds $U_3O_8$ equivalent and kilograms uranium (Kg U) on the basis of U.S. import invoice data. This data will be sorted on the basis of date of export.

E. Any inventories of Kazakhstani-origin uranium, currently held by Kazakhstan in the United States and imported into the United States between the period beginning on or after March 5, 1992 (the date corresponding to the Department's critical circumstances determination) through the effective date of this Agreement will be subject to the following conditions:

Such inventories will not be transferred or withdrawn from inventory for consumption in the United States without an export license and certificate issued by the Government of Kazakhstan. A request for a license and certificate under this provision shall be accompanied by a report specifying the original date of export, the date of entry into the United States, the identify of the original exporter and importer, the customer, a complete description of the product (including lot numbers and other available identifying documentation), and the quantity expressed in original units and in pounds of $U_3O_8$ equivalent.

Any amounts authorized by Kazakhstans issuing an export certificate under this provision shall be counted toward the export limit for the covered products for the period during which the license and certificate were issued for the product that is transferred or withdrawn. The volume shall be determined on the basis of kilograms and pounds $U_3O_8$ equivalent authorized by the Government of Kazakhstan as set forth in the license certificate.

In the event that there is a surge of sales of Kazakhstani-origin uranium from such inventory currently held in the United States, the Department will decrease the export limits to take into account such sales.

F. Any arrangement involving the exchange, sale, or delivery of uranium products from Kazakhstan will be counted towards export limits under this Agreement to the degree it can be shown to have resulted in the sale or delivery in the United States of uranium products from a country other than Kazakhstan.

G. Where covered products are imported into the United States and are subsequently re-exported or further processed and re-exported, the export limits for the entered product shall be increased by the amount of pounds $U_3O_8$ equivalent reexported. This increase will be applicable to the Relevant Period corresponding to the time of such re-export. This increase will be applied only after presentation to the Department and opportunity for verification of such evidence demonstrating original importation, any further processing, and subsequent exportation.

H. For purposes of permitting processing in the United States of uranium products from Kazakhstan, the Government of Kazakhstan may issue re-export certificates for import into the United States of Kazakhstani uranium products only where such imports to the United States are not for sale or ultimate consumption in the United States and where re-exports will take place within 12 months of entry into the United States. In no event shall an export certificate be endorsed by the Government of Kazakhstan for uranium products previously imported into the United States under such re-export certificate. Such re-export certificates will in no event be issued in amounts greater than one million pounds $U_3O_8$ equivalent per re-export certificate and in no case shall the total volume of

uranium products from Kazakhstan covered by re-export certificates exceed three million pounds $U_3O_8$ equivalent at any one time.

The importer of record must certify on the import certificate that it will ensure re-exportation within 12 months of entry into the United States. If uranium products from Kazakhstan are not re-exported within 12 months of the date of entry into the United States, the Department will refer the matter to Customs or the Department of Justice for further action and the United States will promptly notify the Government of Kazakhstan and the two governments shall enter into consultations. If the uranium products are not re-exported within 3 months of the referral to Customs or the Department of Justice and the problem has not been resolved to the mutual satisfaction of both the United States and Kazakhstan, the volume of the uranium product entered pursuant to the re-export certificate may be counted against the export limit in effect at such time, or, if there is insufficient quota, the first available quota. This volume may be restored to the export limit if the product is subsequently re-exported.

I. Export limits established for any of the identified Periods may not be used after September 30 of the corresponding Relevant Period, except that limits not so used may be used during the first three months of the respective following period up to a maximum of 20 percent of the export limit for the current Relevant Period.

Export limits for the Relevant Periods may be used as early as August 1 of the previous period within the limit of 15 percent of the export limit for the previous Relevant Period.

J. The Department shall provide fair and equitable treatment for Kazakhstan vis-a-vis other countries that export uranium to the United States, taking into account all relevant factual and legal considerations, including the antidumping laws of the United States.

K. Importation of uranium products from Kazakhstan during each Relevant Period pursuant to certain pre-existing contracts entered into before March 5, 1992 with a U.S. utility will be permitted so long as the Department has received a valid copy of such pre-existing contracts and has reviewed each to determine whether importation of the uranium product under the terms of the contract is consistent with the purposes of this Agreement. The contracts which have been approved will be specifically identified in proprietary Appendix C to this Agreement. For contracts approved by the Department, nothing in this Section shall in any way restrict sales of Kazakhstani-origin uranium pursuant to transactions which do not involve delivery or transfer of uranium products to the seller, or the seller's account. However, any uranium products delivered or returned to the seller or the seller's account pursuant to such contract, shall be subject to the conditions specified below:

Upon reporting to the Department, the seller may dispose of any uranium products delivered to the seller or to the seller's account under such a preexisting contract, through:

(1) Sales to the U.S. government or any agency thereof or any contractor acting on behalf of the U.S. government so long as such agency or contractor will use or consume the feed in a market-neutral manner;

(2) Sales to a U.S. utility under a contract entered into before March 5, 1992, having fixed price terms, and having been submitted for approval by the Department;

(3) Sale or delivery to any entity outside the United States, including the shipment of such uranium products to Kazakhstan where permissible;

(4) Sales to any entity in the United States at a price at or above $13 per lb. $U_3O_8$ equivalent.

*V. Export License/Certificates*

A. The Government of Kazakhstan will provide export licenses and certificates for all direct or indirect exports to the United States from Kazakhstan of the merchandise covered by this Agreement. Such export licenses and certificates will be issued in a manner determined by the Government of Kazakhstan, in accordance with laws of Kazakhstan, and this Agreement, and will ensure that established export limits are not exceeded.

The Government of Kazakhstan shall take action, including the imposition of penalties, as may be necessary to make effective the obligations resulting from the export licenses and certificates. The government of Kazakhstan will inform the Department of any violations concerning the export licenses and/or certificates which come to its attention and the action taken with respect thereto.

The Department will inform the Government of Kazakhstan of violations concerning the export licenses and/or certificates which come to its attention and the action taken with respect thereto.

B. Export licenses shall be issued and export certificates shall be endorsed by the Government of Kazakhstan for all direct or indirect exports to the United States of the merchandise subject to this Agreement in quantities no greater than the number of pounds $U_3O_8$ equivalent and the number of kilograms of uranium (Kg U) specified by the Department under section IV.C. for each period. The formulas for converting uranium in its various forms to pounds $U_3O_8$ equivalent are set forth in section II of this Agreement.

C. Export licenses will be issued and export certificates will be endorsed against the export limits for the Relevant Periods.

Export certificates for the Relevant Periods may be used as early as August 1 of the previous Relevant Period within a limit of 15 percent of the export limit for the previous Relevant Period.

Export certificates issued for each Relevant Periods may not be used after September 30 for each subsequent Relevant Period, except that certificates not so used may be used during the first three months of the respective following period, up to a maximum of 15 percent of the export limit for the current period.

D. The Government of Kazakhstan will require that all exports of the merchandise subject to this Agreement shall be accompanied by a certificate (form to be agreed). The certificate shall be endorsed pursuant to a license and issued no earlier than one month before the day, month, and year on which the merchandise is accepted by a transportation company, as indicated in the bill-of-lading or a comparable transportation document, for export. The certificate will also indicate the customer, the complete description of the product exported, country of origin of the uranium ore, and quantity expressed in the original units and kilograms $U_3O_8$ equivalent. If any of this information is in a language other than English the certificate must also contain an English language translation of this information and a conversion to pounds $U_3O_8$ equivalent.

E. The United States shall require presentation of such certificates as a condition for entry into the United States of the covered products of the merchandise subject to this Agreement on or after the effective date of this Agreement. The United States will prohibit the entry of such products not accompanied by such a certificate, except as provided in Sections IV.D and IV.H of this Agreement.

*VI. Implementation*

In order to effectively restrict the volume of exports of uranium to the United States, the Government of Kazakhstan agrees to implement the following procedures no later than within 90 days of the effective date of this Agreement:

A. Establish an export licensing and certification program for all exports of uranium from Kazakhstan to, or destined directly or indirectly for consumption in, the United States.

B. Ensure compliance by all Kazakhstani producers, exporters, brokers, traders, users, and/or related parties of such uranium with all procedures established in order to effectuate this Agreement.

C. Collect information from all Kazakhstani producers, exporters, brokers, traders, users, and/or related parties of such on the production and sale of uranium.

D. Require that purchasers agree not to circumvent this Agreement, report to Government of Kazakhstan subsequent arrangements entered into for the sale, exchange, or loan to the United States of uranium purchased from Kazakhstan, and include these same provisions in any subsequent contracts involving uranium purchased from Kazakhstan.

*VII. Anticircumvention*

A. The Government of Kazakhstan will take all appropriate measures under Kazakhstani law to prevent circumvention of this Agreement. It will not enter into any arrangement for the purpose of circumventing the export limits in Section IV of this Agreement. It will require that purchasers agree not to circumvent this Agreement. It will require that all purchasers report to the Government of Kazakhstan subsequent arrangements entered into for the sale, exchange or loan to the United States of uranium purchased from Kazakhstan. It will also require that all purchasers include the same provisions in any subsequent contracts involving uranium purchased from Kazakhstan.

B. In addition to the reporting requirements of Section VIII of this suspension agreement, the Government of Kazakhstan will share within 15 days of any request from the U.S. Department of Commerce all particulars regarding initial and subsequent arrangements of uranium between Kazakhstan and any party regardless of the original intended destination.

C. The Department of Commerce will accept comments from all parties for fifteen days after the receipt of information requested under paragraph B of this section. The Department will determine within 45 days of the date of the information request under paragraph B whether subject arrangements circumvent the export limits of this agreement.

D. In addition to the above requirements, the Department shall direct the U.S. Customs Service to require all importers of uranium into the United States, regardless of stated country of origin, to submit at the time of entry a written statement certifying that the uranium being imported was not obtained under any arrangement, swap, or other exchange designed to circumvent the export limits for uranium of Kazakhstani origin established by this Agreement. Where there is reason to believe that such a certification has been made falsely, the Department will refer the matter to Customs or the Department of Justice for further action.

E. The Department of Commerce and the Government of Kazakhstan will consult regarding any arrangement determined by the Department of Commerce to constitute circumvention of this Agreement. If the Department determines that Kazakhstan and its related parties did not actively participate in the arrangement, the Department will request consultations with the Government of Kazakhstan to resolve the problem. If the problem has not been resolved to the mutual satisfaction of both the United States and Kazakhstan, the volume of the uranium product involved in the circumvention may be counted against the export limit in effect at such time. If the Department determines that Kazakhstan actively participated in the arrangement, the volume of such arrangement will be deducted from the export limits for Kazakhstan.

F. If the Department of Commerce or Government of Kazakhstan determines that any uranium has been intentionally exported to the United States without the required export certificates, the Government of Kazakhstan shall: (1) Thereafter prohibit any Kazakhstani producer, exporter, broker, trader, user, and/or related party from supplying uranium to the customer responsible for such circumvention; (2) impose other penalties as allowed by law; (3) and/or take other actions to prevent such circumvention in the future.

G. Given the fungibility of the world uranium market, the Department of Commerce will take into account the following factors in distinguishing normal uranium market arrangements, swaps, or other exchanges from arrangements, swaps, or other exchanges which may be intentionally designed to circumvent the export limits of this suspension agreement:

1. Existence of any verbal or written arrangements which may be designed to circumvent the export limits;

2. Existence of any arrangement as defined in Section IV.F. that was not reported to the Department pursuant to Section VIII.A.;

3. Existence and function of any subsidiaries or affiliates of the parties involved;

4. Existence and function of any historical and/or traditional trading patterns among the parties involved;

5. Deviations (and reasons for deviation) from the above patterns, including physical conditions of relevant uranium facilities;

6. Existence of any payments unaccounted for by previous or subsequent deliveries, or any payments to one party for merchandise delivered or swapped by another party;

7. Sequence and timing of the arrangements;

8. Any other information relevant to the transaction or circumstances.

H. "Swaps" include, but are not limited to:

*Ownership swaps*—involve the exchange of ownership of any type of uranium product(s), without physical transfer. These may include exchange of ownership of uranium products in different countries, so that the parties obtain ownership of products located in different countries; or exchange of ownership of uranium products produced in different countries, so that the parties obtain ownership of products of different national origin.

*Flag swaps*—involve the exchange of indicia of national origin of uranium products, without any exchange of ownership.

*Displacement swaps*—involve the sale or delivery of any type of uranium product(s) from Kazakhstan to an intermediary country (or countries) which can be shown to have resulted in the ultimate delivery or sale into the United States of displaced uranium products of any type, regardless of the sequence of the transactions.

I. The Department will enter its determinations regarding circumvention into the record of the suspension agreement.

*VIII. Monitoring*

The Government of Kazakhstan will provide to the Department such information as is necessary and appropriate to monitor the implementation of and compliance with the terms of this Agreement. Notwithstanding the above, in cases where information cannot be provided by reason of national security, it is understood that the Department of Commerce will make a determination as to what is reasonable alternative information.

The Department of Commerce shall provide semi-annual reports to the Government of Kazakhstan indicating

the volume of imports of the subject merchandise to the United States, together with such additional information as is necessary and appropriate to monitor the implementation of this Agreement.

A. Reporting of Data

Beginning on the effective date of this Agreement, the Government of Kazakhstan shall collect and provide to the Department the information set forth, in the agreed format in Appendix B. All such information will be provided to the Department on a semi-annual basis on March 1 and September 1 of each calendar year, or upon request. Such information will be subject to the verification provision identified in section VIII.C of this Agreement.

The Department may disregard any information submitted after the deadlines set forth in this section or any information which it is unable to verify to its satisfaction.

Both governments recognize that the effective monitoring of this Agreement may require that the Government of Kazakhstan provide information additional to that which is identified above. Accordingly, the Department may establish additional reporting requirements, as appropriate, during the course of this Agreement. The Department shall provide notice to the Government of Kazakhstan of any additional reporting requirements no later than 45 days prior to the period covered by such reporting requirements unless a shorter notice period is mutually agreed.

B. Other Sources for Monitoring

The Department will review publicly-available data as well as Customs Form 7501, entry summaries, and other official import data from the Bureau of the Census, on a monthly basis, to determine whether there have been imports that are inconsistent with the provisions of this Agreement.

The Department will monitor Bureau of the Census IM–115 computerized records, which include the quantity and value of each entry. Because these records do not provide other specific entry information, such as the identity of the producer/exporter which may be responsible for such sales, the Department may request the U.S. Customs Service to provide such information. The Department may request other additional documentation from the U.S. Customs Service.

The Department may also request the U.S. Customs Service to direct ports of entry to forward an Antidumping Report of Importations for entries of the subject merchandise during the period this Agreement is in effect.

C. Verification

The Government of Kazakhstan agrees to permit full verification of all information related to the administration of this Agreement, on an annual basis or more frequently, as the Department deems necessary to ensure that Kazakhstan is in full compliance with the terms of the Agreement.

*IX. Disclosure and Comment*

A. The Department shall make available to representatives of each party to the proceeding, under appropriately-drawn administrative protective orders consistent with the Department's Regulations, business proprietary information submitted to the Department semi-annually or upon request, and in any administrative review of this Agreement.

B. Not later than 30 days after the date of disclosure under paragraph VIII.A., the parties to the proceeding may submit written comments to the Department, not to exceed 30 pages.

C. During the anniversary month of this Agreement, each party to the proceeding may request a hearing on issues raised during the preceding Relevant Period. If such a hearing is requested, it will be conducted in accordance with section 751 of the Act (19 U.S.C. 1675) and applicable regulations.

*X. Consultations*

A. The Government of Kazakhstan and the Department shall hold consultations regarding matters concerning the implementation, operation, or enforcement of this Agreement. Such consultations will be held each year during the anniversary month of this Agreement, except that in the first twelve months following the signing of the Agreement, consultations will be held semi-annually. Additional consultations may be held at any other time upon request of either Government of Kazakhstan or the Department. Emergency consultations may be held in accordance with section XI.A.

B. If either the Government of Kazakhstan or the Department discovers that substantial quantities of enriched uranium product(s) not subject to this Agreement and produced from Kazakhstani ore are being exported to the United States, the Government of Kazakhstan and the Department will promptly enter into consultations to ensure that such exports to the United States are not undermining this Agreement.

C. If, for reasons unrelated to sales of Kazakhstani uranium, the market price of uranium products remains below U.S. $13 per pound $U_3O_8$ equivalent for three consecutive observation periods after January 1, 1993, the Government of Kazakhstan and the Department will promptly enter into consultations in order to review the market situation and consider adjustments to the quota.

*XI. Violations of the Agreement*

A. Violation

"Violation" means noncompliance with the terms of this Agreement caused by an act or omission by the Government of Kazakhstan except, at the discretion of the Secretary, an act or omission which is inadvertent or inconsequential.

The Government of Kazakhstan will inform the Department of any violations which come to its attention and the action taken with respect thereto.

Imports in excess of the export limits set out in this Agreement shall not be considered a violation of this Agreement or an indication the Agreement no longer meets the requirements of section 734(l) of the Act, where such imports are minimal in volume, are the results of technical shipping circumstances, and are applied against the export limits of the following year. Technical shipping circumstances that would result in a minimal volume of imports in excess of the export limits are, for example, those where the shipment of a full drum is required for safety factors and such amount is beyond the existing export limit.

Prior to making a determination of an alleged violation, the Department will engage in emergency consultations. Such consultations shall begin no later than 14 days from the day of request and shall provide for full review, but in no event will exceed 30 days. After consultations, the Department will provide the Government of Kazakhstan 10 days within which to provide comments. The Department will make a determination within 20 days.

B. Appropriate Action

If the Department determines that this Agreement is being or has been violated, the Department will take such action as it determines is appropriate under section 734(i) of the Act and § 353.19 of the Department's Regulations.

*XII. Duration*

In consideration of the role of long-

term contracts in the uranium market, the export limits provided for in Section IV of this Agreement shall remain in force from the effective date of this Agreement through October 15, 2000. Thereafter, the volume of exports to the United States of uranium products from Kazakhstan shall not be limited by the export limitations provided for in Section IV of this Agreement. For the period October 16, 2000, through October 15, 2002, both the Government of Kazakhstan and the Department will pay particular attention to the requirements for monitoring by the Government of Kazakhstan and the Department, as provided in Sections VI and VIII of this Agreement. Should such monitoring indicate that, in the absence of the export limits provided for in Section IV, this Agreement no longer prevents the suppression or undercutting of price levels of domestic products by imports of uranium products from Kazakhstan, as identified and discussed during consultations, the export limits set forth in Section IV may be reinstated within 30 days after completion of the consultations. If it is determined in subsequent consultations that the conditions that led to the reinstatement of the export limits provided for in Section IV no longer exist, such export limits shall not remain in force and the monitoring specified above shall resume.

The Department will, upon receiving a proper request no later than October 31, 2001, conduct an administrative review under section 751 of the Act. The Department expects to terminate this Agreement and the underlying investigation no later than October 15, 2002, as long as Kazakhstan has not been found to have violated the Agreement in any substantive manner. Such review and termination shall be conducted consistent with Section 353.25 of the Department's regulations.

The Government of Kazakhstan may terminate this Agreement at any time upon notice of the Department. Termination shall be effective 60 days after such notice is given to the Department. Upon termination at the request of the Government of Kazakhstan, the provisions of Section 734 of the Act shall apply.

If the Department has determined that a sufficient amount of time has elapsed, the Department will follow the provisions of Sections XIII(b) or XIII(c) of this Agreement.

*XIII. Conditions*

During the underlying investigation, the Department determined that Kazakhstan is a non-market economy country. Because the two governments share an interest in promoting the transformation of Kazakhstan into a market economy, the Department recognizes that it may determine the life of this Agreement that the Kazakhstan uranium industry is a market-oriented-industry, or that Kazakhstan is a market economy country. In either event, the Department may:

(a) Enter into a new suspension agreement under Section 734(b) or 734(c) of the Act; or

(b) If the investigation was not completed under section 353.18(i) of the Department's regulations, afford the Government of Kazakhstan a full opportunity to submit new information, and take such information into account in reaching its final determination; or

(c) If the investigation was completed under section 353.18(i), consider a request made no later than 30 days after termination of the Agreement to conduct a changed circumstances review under section 751(b).

*XIV. Other Provisions*

A. In entering into this Agreement, the Government of Kazakhstan does not admit that any sales of the merchandise subject to this Agreement have been made at less than fair value or that such sales have materially injured, or threatened material injury to, an industry or industries in the United States.

B. For all purposes hereunder, the Department and the signatory Government shall be represented by, and all communications and notices shall be given and addressed to:

*Department of Commerce Contact*, United States Department of Commerce, Assistant Secretary for Import Administration, International Trade Administration, Washington, DC 20230.

*Government of Kazakhstan Contract*, Kadyr K. Baikenov, Vice Prime Minister, Ministry of Energy & Fuel Resources, 4, Square of Republic, 480091, Alma-Ata, Kazakhstan.

*XV. Effective Date*

The effective date of this Agreement suspending the antidumping investigation on uranium from Kazakhstan, October 16, 1992.

Signed on this sixteenth day of October, 1992.

For the Government of Kazakhstan.

**Kadyr K. Baikenov,**

*Vice Prime Minister, Minister of Energy and Fuel Resources.*

For U.S. Department of Commerce.

**Alan M. Dunn,**

*Assistant Secretary for Import Administration.*

**Appendix A: Kazakhstan**

| Price Level | Quota in Millions of Pounds $U_3O_8$ |
|---|---|
| $13.00–$13.99 | 1.0 |
| $14.00–$14.99 | 1.2 |
| $15.00–$15.99 | 1.4 |
| $16.00–$16.99 | 1.8 |
| $17.00–$17.99 | 2.5 |
| $18.00–$18.99 | 3.5 |
| $19.00–$19.99 | 4.0 |
| $20.00–$20.99 | 5.0 |
| $21.00 and up | Unlimited $U_3O_8$ |

Note 1: Price is measured in U.S. $/lbs. and is an observed price in the U.S. market as defined in the suspension agreement and reviewed every six months for adjustment.

Note 2: Quota levels are expressed in millions of pounds of $U_3O_8$ equivalent as converted by the conversion formulae outlined in the suspension agreement.

**Appendix B**

In accordance with the established format, the Government of Kazakhstan shall collect and provide to the Department all information necessary to ensure compliance with this Agreement.

The Government of Kazakhstan will collect and maintain sales data to the United States in the home market, and to countries other than the United States, on a continuous basis and provide the prescribed information to the Department on March 1, 1993 or upon request, for the period beginning on the effective date of this Agreement and ending January 31, 1993. For the period beginning February 1, 1993, and ending July 31, 1993, the Government of Kazakhstan will provide the prescribed information on September 1, 1993 or upon request.

All subsequent information for the periods February 1 through July 31, and August 1 through January 31, will be provided to the Department on a semi-annual basis on March 1 and September 1 respectively of each subsequent calendar year, or upon request.

The Government of Kazakhstan will provide a narrative explanation to substantiate all data collected in accordance with the following formats.

*Report of Inventories*

Report, by location, the inventories held by Kazakhstan in the United States and imported into the United States between the period beginning March 5, 1992, through the effective date of the Agreement.

1. Quantity: Indicate original units of measure (*e.g.*, pounds $U_3O_8$, Kilograms U, etc.) and in pounds $U_3O_8$ equivalent.

2. Location: Identify where the inventory is currently being held. Provide the name and address for the location.

3. Titled Party: Name and address of party who legally has title to the merchandise.

4. License Number(s): Indicate the number(s) relating to each entry now being held in inventory.

5. Certificate Number(s): Indicate the number(s) relating to each entry now being held in inventory.

6. Date of Original Export: Date the export certificate is endorsed.

7. Date of Entry: Date the merchandise entered the United States or the date book transfer took place.

8. Original Importer: Name and address.

9. Original Exporter: Name and address.

10. Complete Description of Merchandise: Include lot numbers and other available identifying information.

*United States Sales*

1. License Number(s): Indicate the number(s) relating to each sale and/or entry.

2. Certificate Number(s): Indicate the number(s) relating to each sale and/or entry.

3. Complete Description of Merchandise: Include lot numbers and other available identifying of documentation.

4. Quantity: Indicate units of measure sold and/or entered, *e.g.*, pounds $U_3O_8$, Kilograms U, etc.

5. Total Sales Value: Indicate currency used.

6. Unit Price: Indicate currency used.

7. Date of Sale: The date all terms of order are confirmed.

8. Sales Order Number(s): Indicate the number(s) relating to each sale and/or entry.

9. Date of Export: Date the export certificate is endorsed.

10. Date of Entry: Date the merchandise entered the United States or the date book transfer took place.

11. Importer of Record: Name and address.

12. Customer: Name and address.

13. Customer Relationship: Indicate whether related or unrelated.

14. Final Destination: Name and address of location for consumption in the United States.

15. Other: *i.e.*, used as collateral, will be re-exported, etc.

*Home Market Sales*

1. Sales Order Number(s): Indicate the number(s) relating to each sale.

2. Quantity: Indicate units of measure sold, *e.g.*, pounds $U_3O_8$, Kilograms U, etc.

3. Date of Sale: Date all terms of order are confirmed.

4. Delivery Date: Date the merchandise was delivered to the customer.

5. Customer: Name and address.

6. Customer Relationship: Indicate whether related or unrelated.

*Sales Other Than United States*

1. License Number(s): Indicate the number(s) relating to each sale and/or entry.

2. Certificate Number(s): Indicate the number(s) relating to each sale and/or entry.

3. Quantity: Indicate units of measure sold and/or entered, *e.g.*, pounds $U_3O_8$, Kilograms U, etc.

4. Date of Sale: The date all terms of order are confirmed.

5. Sales Order Number(s): Indicate the number(s) relating to each sale and/or entry.

6. Date of Export: Date the export certificate is endorsed.

7. Date of Entry: Date the merchandise entered the United States or the date a book transfer took place.

8. Importer of Record: Name and address.

9. Customer: Name and address.

10. Customer Relationship: Indicate whether related or unrelated.

11. Final Destination: Name and address of location for consumption.

12. Other: *i.e.*, used as collateral, will be re-exported, etc.

**Appendix C—Kazakhstan**

Proprietary Document, Public Version.

(No text in public version.)

**Agreement Suspending the Antidumping Investigation on Uranium From the Government of Kyrgyzstan**

For the purpose of encouraging free and fair trade in uranium products for peaceful purposes, establishing more normal market relations, and recognizing that this Agreement is necessary for the protection of the essential security interests of the United States and the Republic of Kyrgyzstan, pursuant to the provisions of section 734 of the Tariff Act of 1930, as amended (19 U.S.C. 1673c) ("the Act"), the United States Department of Commerce ("the Department") and the Government of Kyrgyzstan enter into this suspension agreement ("the Agreement").

The Department finds that this Agreement is in the public interest; that effective monitoring of this Agreement by the United States is practicable; and that this Agreement will prevent the suppression or undercutting of price levels of United States domestic uranium products by imports of the merchandise subject to this Agreement.

On the basis of this suspension agreement, the Department shall suspend its antidumping investigation with respect to uranium from Kyrgyzstan, subject to the terms and provisions set forth below. Further, the Department will instruct the U.S. Customs Service to terminate the suspension of liquidation and to release any cash deposit or bond posted on the products covered by this Agreement as of the effective date of this Agreement.

*I. Basis for the Agreement*

In order to prevent the suppression or undercutting of price levels of United States domestic uranium, the Government of Kyrgyzstan will restrict the volume of direct or indirect exports to the United States of uranium products from all producers/exporters of uranium products in Kyrgyzstan subject to the terms and provisions set forth below.

*II. Definitions*

For purposes of this Agreement, the following definitions apply:

(a) Pounds $U_3O_8$ equivalents are calculated using the following formulas:

- measured uranium (U) content is converted to $U_3O_8$ by multiplying U by 1.17925
- $U_3O_8$ is converted to U content by multiplying by 0.84799
- 1 Kg $U_3O_8$ = 2.20462 lbs. $U_3O_8$
- 1 Kg U in $UF_6$ = 2.61283 lbs. $U_3O_8$ equivalent
- 1 Kg U in $U_3O_8$ = 2.59982 lbs. $U_3O_8$ equivalent

(b) Date of Export for imports into the United States accompanied by an export certificate of the merchandise subject to this Agreement shall be considered the date the export certificate was endorsed.

(c) Parties to the Proceeding—means any interested party, within the meaning of § 353.2(k) of the Department's regulations, which actively participates through written submissions of factual information or written argument.

(d) Indirect Exports—means arrangements as defined in section IV.F. of this Agreement and exports from Kyrgyzstan through one or more third countries, whether or not such export is sold in one or more third country prior to importation into the United States.

*III. Product Coverage*

The merchandise covered by this Agreement are the following products from Kyrgyzstan:

Natural uranium in the form of uranium ores and concentrates; natural uranium metal and natural uranium compounds: alloys, dispersions (including cermets), ceramic products and mixtures containing natural uranium or natural uranium compounds; uranium enriched in $U^{235}$ and its compounds; alloys, dispersions (including cermets), ceramic products, and mixtures containing uranium enriched in $U^{235}$ or compounds of uranium enriched in $U^{235}$; and any other forms of uranium within the same class or kind.

Uranium ore from Kyrgyzstan milled into $U_3O_8$ and/or converted into $UF_6$ in another country prior to direct and/or indirect importation into the United States is considered uranium from Kyrgyzstan and is subject to the terms of this Agreement.

For purposes of this Agreement, uranium enriched in $U^{235}$ in another country prior to direct and/or indirect importation into the United States is not considered uranium from Kyrgyzstan and is not subject to the terms of this Agreement.

Imports of uranium ores and concentrates, natural uranium compounds, and all forms of enriched uranium are currently classifiable under Harmonized Tariff Schedule ("HTS") subheadings: 2612.10.00, 2844.10.20, 2844.20.00, respectively. Imports of natural uranium metal and forms of natural uranium other than compounds are currently classifiable under HTS subheadings: 2844.10.10 and 2844.10.50. HTS subheadings are provided for convenience and customs purposes. The written description of the scope of these proceedings is dispositive.

*IV. Export Limits*

A. The Government of Kyrgyzstan will restrict the volume of direct or indirect exports on or after the effective date of this Agreement to the United States and the transfer or withdrawal from inventory (consistent with the provisions of paragraph E) of the merchandise subject to this Agreement in accordance with the export limits and schedule set forth in Appendix A.

Export limits are expressed in terms of pounds $U_3O_8$ equivalent and kilograms uranium (Kg U).

Export limits are applied on the basis of "Date of Export", as defined in section II.

For purposes of this Agreement, United States shall comprise the customs territory of the United States of America (the 50 States, the District of Columbia and Puerto Rico) and foreign trade zones located in the territory of the United States of America.

B. The export limits of this Agreement shall be effective for the periods October 1 through September 30 (the "Relevant Period").

C.1. For purposes of determining the applicable quota level, the Department will determine the market price. In determining the market price for purposes of establishing the quota level, the Department will use price information in terms of U.S. dollars per pound $U_3O_8$ obtained from the following sources:

*Spot Market Price:* The Uranium Price Information System Spot Price (UPIS SPI) and the Uranium Exchange Spot Price (Ux Spot). The Department will calculate a simple average of the monthly values as expressed by these two sources to determine the Spot Price.

*Long-term Contract Price:* The simple average of the UPIS Base Price and the long-term price as determined by the Department on the basis of information provide to the Department by market participants. In determining the long-term price on the basis of information provided to the Department, the Department will use only such information submitted to which the submitter agrees to permit verification.

All such information will be subject to review by the Department on the basis of information available from other sources. Furthermore, during the life of the Agreement, the Department can, as appropriate, select alternative sources to use in determining the market price. Should the Department determine that any or all of the identified sources are no longer appropriate, the Department will give parties at least 30-days notice of its decision.

This determination will be made semi-annually. The Department will announce the market price and corresponding quota level on October 1 and April 1 of each year, except as provided below with respect to the first period.

With respect to the first period, which begins on the effective date of this Agreement and ends on March 31, 1993, the Department will determine a market price no later than October 30, 1992. The quota level corresponding to this price will apply to covered exports through March 31, 1993.

In determining the market price the Department will rely on price information from the identified sources covering the previous six-month period for which prices are available. For example, on October 1, the Department will announce the market price as determined by review of price information relating to the period March 1 through September 1. On April 1, the Department will announce the market price as determined by review of price information relating to the period September 1 through March 1. However, for the first period (October 16, 1992, through March 31, 1993) the Department will utilize price information relating to the period April 1, 1992 through September 30, 1992. For the period beginning on April 1, 1993, the Department will utilize price information relating to the period October 16, 1992 through March 1, 1993.

The quota level announced on October 1 will be equal to one-half of the annualized quota, as expressed in Appendix A, for the corresponding market price. The announced quota level will be the volume, in terms of pounds $U_3O_8$ equivalent, that may be exported to the United States in any form from Kyrgyzstan during the six-month period beginning on October 1 and ending on the following March 31.

The quota level announced on April 1 will be equal to one-half of the annualized quota, as expressed in Appendix A, for the corresponding market price. The announced quota level will be the volume, in terms of pounds $U_3O_8$ equivalent, that may be exported to the United States in any form from Kyrgyzstan during the six month period beginning on April 1 and ending on the following September 30.

2. Except as provided in paragraph 3 below, multi-year contracts entered into after the effective date of this Agreement may not provide for annual deliveries in excess of the quota allowed under the Agreement as of the date of contract. If such multi-year contracts specify a price at or above the minimum price in the Appendix A price band then in effect on the date the contract is entered into, annual deliveries under such contracts will be applied against the annual quotas in effect at the time of delivery, but may be made in the full amount for the full term of the contract even if they exceed annual quotas in effect at the time of delivery.

3. Notwithstanding paragraph 2, multi-year contracts entered into after the effective date of this agreement may provide for annual deliveries in excess of the quota allowed under the Agreement as of the date of contract endorsement, provided that they are conditioned upon the necessary additional quota being available at the time of delivery. However, annual deliveries under such conditional contracts shall be strictly subject to the annual quotas in effect at the time of delivery.

D. For the first 90 days after the effective date of this Agreement, products exported from Kyrgyzstan shall

be admitted to the United States without an export license and certificate issued by the Government of Kyrgyzstan specifically for export to the United States after the date of this Agreement only upon notification to the Department by the individual who signed this Agreement, or his/her designated successor.

The volume of such imports will be counted towards the export limit for the covered products for the first identified period.

The volume of such imports shall be determined in terms of pounds $U_3O_8$ equivalent and kilograms uranium (Kg U) on the basis of U.S. import invoice data. This data will be sorted on the basis of date of export.

E. Any inventories of Kyrgyz-origin uranium, currently held by Kyrgyzstan in the United States and imported into the United States between the period beginning on or after March 5, 1992 (the date corresponding to the Department's critical circumstances determination) through the effective date of this Agreement will be subject to the following conditions:

Such inventories will not be transferred or withdrawn from inventory for consumption in the United States without an export license and certificate issued by the Government of Kyrgyzstan. A request for a license and certificate under this provision shall be accompanied by a report specifying the original date of export, the date of entry into the United States, the identity of the original exporter and importer, the customer, a complete description of the product (including lot numbers and other available identifying documentation), and the quantity expressed in original units and in pounds of $U_3O_8$ equivalent.

Any amounts authorized by Kyrgyzstan's issuing an export certificate under this provision shall be counted toward the export limit for the covered products for the period during which the license and certificate were issued for the product that is transferred or withdrawn. The volume shall be determined on the basis of kilograms and pounds $U_3O_8$ equivalent authorized by the Government of Kyrgyzstan as set forth in the license certificate.

In the event that there is a surge of sales of Kyrgyz-origin uranium from such inventory currently held in the United States, the Department will decrease the export limits to take into account such sales.

F. Any arrangement involving the exchange, sale, or delivery of uranium products from Kyrgyzstan will be counted towards export limits under this Agreement to the degree it can be shown to have resulted in the sale or delivery in the United States of uranium products from a country other than Kyrgyzstan.

G. Where covered products are imported into the United States and are subsequently re-exported or further processed and re-exported, the export limits for the entered product shall be increased by the amount of pounds $U_3O_8$ equivalent re-exported. This increase will be applicable to the Relevant Period corresponding to the time of such re-export. This increase will be applied only after presentation to the Department and opportunity for verification of such evidence demonstrating original importation, any further processing, and subsequent exportation.

H. For purposes of permitting processing in the United States of uranium products from Kyrgyzstan, the Government of Kyrgyzstan may issue re-export certificates for import into the United States of Kyrgyz-uranium products only where such imports to the United States are not for sale or ultimate consumption in the United States and where re-exports will take place within 12 months of entry into the United States. In no event shall an export certificate be endorsed by the Government of Kyrgyzstan for uranium products previously imported into the United States under such re-export certificate. Such re-export certificates will in no event be issued in amounts greater than one million pounds $U_3O_8$ equivalent per re-export certificate and in no case shall the total volume of uranium products from Kyrgyzstan covered by re-export certificates exceed three million pounds $U_3O_8$ equivalent at any one time.

The importer of record must certify on the import certificate that it will ensure re-exportation within 12 months of entry into the United States. If uranium products from Kyrgyzstan are not re-exported within 12 months of the date of entry into the United States, the Department will refer the matter to Customs or the Department of Justice for further action and the United States will promptly notify the Government of Kyrgyzstan and the two governments shall enter into consultations. If the uranium products are not re-exported within 3 months of the referral to Customs or the Department of Justice and the problem has not been resolved to the mutual satisfaction of both the United States and Kyrgyzstan, the volume of the uranium product entered pursuant to the re-export certificate may be counted against the export limit in effect at such time, or, if there is insufficient quota, the first available quota. This volume may be restored to the export limit if the product is subsequently re-exported.

I. Export limits established for any of the identified Periods may not be used after September 30 of the corresponding Relevant Period, except that limits not so used may be used during the first three months of the respective following period up to a maximum of 20 percent of the export limit for the current Relevant Period.

Export limits for the Relevant Periods may be used as early as August 1 of the previous period within the limit of 15 percent of the export limit for the previous Relevant Period.

J. The Department shall provide fair and equitable treatment for Kyrgyzstan vis-a-vis other countries that export uranium to the United States, taking into account all relevant factual and legal considerations, including the antidumping laws of the United States.

K. Importation of uranium products from Kyrgyzstan during each Relevant Period pursuant to certain pre-existing contracts entered into before March 5, 1992 with a U.S. utility will be permitted so long as the Department has received a valid copy of such pre-existing contracts and has reviewed each to determine whether importation of the uranium product under the terms of the contract is consistent with the purposes of this Agreement. The contracts which have been approved will be specifically identified in proprietary Appendix C to this Agreement. For contracts approved by the Department, nothing in this Section shall in any way restrict sales of Kyrgyz-origin uranium pursuant to transactions which do not involve delivery or transfer of uranium products to the seller, or the seller's account. However, any uranium products delivered or returned to the seller or the seller's account pursuant to such contract, shall be subject to the conditions specified below.

Upon reporting to the Department, the seller may dispose of any uranium products delivered to the seller or to the seller's account under such a pre-existing contract, through:

1. Sales to the U.S. government or any agency thereof or any contractor acting on behalf of the U.S. government so long as such agency or contractor will use or consume the feed in a market-neutral manner;

2. Sales to a U.S. utility under a contract entered into before March 5, 1992, having fixed price terms, and having been submitted for approval by the Department;

3. Sale or delivery to any entity outside the United States, including the

shipment of such uranium products to Kyrgyzstan where permissible;

4. Sales to any entity in the United States at a price at or above $13 per lb. $U_3O_8$ equivalent.

*V. Export License/Certificates*

A. The Government of Kyrgyzstan will provide export licenses and certificates for all direct or indirect exports to the United States from Kyrgyzstan of the merchandise covered by this Agreement. Such export licenses and certificates will be issued in a manner determined by the Government of Kyrgyzstan, in accordance with laws of Kyrgyzstan and this Agreement, and will ensure that established export limits are not exceeded.

The Government of Kyrgyzstan shall take action, including the imposition of penalties, as may be necessary to make effective the obligations resulting from the export licenses and certificates. The Government of Kyrgyzstan will inform the Department of any violations concerning the export licenses and/or certificates which come to its attention and the action taken with respect thereto.

The Department will inform the Government of Kyrgyzstan of violations concerning the export licenses and/or certificates which come to this attention and the action taken with respect thereto.

B. Export licenses shall be issued and export certificates shall be endorsed by the Government of Kyrgyzstan for all direct or indirect exports to the United States of the merchandise subject to this Agreement in quantities no greater than the number of pounds $U_3O_8$ equivalent and the number of kilograms of uranium (Kg U) specified by the Department under section IV.C. for each period. The formulas for converting uranium in its various forms to pounds $U_3O_8$ equivalent are set forth in section II of this Agreement.

C. Export licenses will be issued and export certificates will be endorsed against the export limits for the Relevant Periods.

Export certificates for the Relevant Periods may be used as early as August 1 of the previous Relevant Period within a limit of 15 percent of the export limit for the previous Relevant Period.

Export certificates issued for each Relevant Period, may not be used after September 30 for each Relevant Period, except that certificates not so used may be used during the first three months of the respective following period, up to a maximum of 15 percent of the export limit for the current period.

D. The Government of Kyrgyzstan will require that all exports of the merchandise subject to this Agreement shall be accompanied by a certificate (form to be agreed). The certificate shall be endorsed pursuant to a license and issued no earlier than one month before the day, month, and year on which the merchandise is accepted by a transportation company, as indicated in the bill-of-lading or a comparable transportation document, for export. The certificate will also indicate the customer, the complete description of the product exported, country of origin of the uranium ore, and quantity expressed in the original units and kilograms $U_3O_8$ equivalent. If any of this information is in a language other than English, the certificate must also contain an English language translation of this information and a conversion to pounds $U_3O_8$ equivalent.

E. The United States shall require presentation of such certificates as a condition for entry into the United States of the covered products of the merchandise subject to this Agreement on or after the effective date of this Agreement. The United States will prohibit the entry of such products not accompanied by such a certificate, except as provided in Sections IV.D. and IV.H. of this Agreement.

*VI. Implementation*

In order to effectively restrict the volume of exports of uranium to the United States, the Government of Kyrgyzstan agrees to implement the following procedures no later than within 90 days of the effective date of this Agreement:

A. Establish an export licensing and certification program for all exports of uranium from Kyrgyzstan to, or destined directly or indirectly for consumption in, the United States.

B. Ensure compliance by all the Kyrgyz producers, exporters, brokers, traders, users, and/or related parties of such uranium with all procedures established in order to effectuate this Agreement.

C. Collect information from all the Kyrgyz producers, exporters, brokers, traders, users, and/or related parties of such on the production and sale of uranium.

D. Require that purchasers agree not to circumvent this Agreement, report to the Government of Kyrgyzstan subsequent arrangements entered into for the sale, exchange, or loan to the United States of uranium purchased from Kyrgyzstan, and include these same provisions in any subsequent contracts involving uranium purchased from Kyrgyzstan.

*VII. Anticircumvention*

A. The Government of Kyrgyzstan will take all appropriate measures under Kyrgyz law to prevent circumvention of this Agreement. It will not enter into any arrangement for the purpose of circumventing the export limits in Section IV on this Agreement. It will require that purchasers agree not to circumvent this Agreement. It will require that all purchasers report to the Government of Kyrgyzstan subsequent arrangements entered into for the sale, exchange or loan to the United States of uranium purchased from Kyrgyzstan. It will also require that all purchasers include the same provisions in any subsequent contracts involving uranium purchased from Kyrgyzstan.

B. In addition to the reporting requirements of Section VIII of this suspension agreement, the Government of Kyrgyzstan will share within 15 days of any request from the U.S. Department of Commerce all particulars regarding initial and subsequent arrangements of uranium between Kyrgyzstan and any party regardless of the original intended destination.

C. The Department of Commerce will accept comments from all parties for 15 days after the receipt of information requested under paragraph B of this section. The Department will determine within 45 days of the date of the information request under paragraph B whether subject arrangements circumvent the export limits of this agreement.

D. In addition to the above requirements, the Department shall direct the U.S. Customs Service to require all importers of uranium into the United States, regardless of stated country of origin, to submit at the time of entry a written statement certifying that the uranium being imported was not obtained under any arrangement, swap, or other exchange designed to circumvent the export limits for uranium of Kyrgyz origin established by this Agreement. Where there is reason to believe that such a certification has been made falsely, the Department will refer the matter to Customs or the Department of Justice for further action.

E. The Department of Commerce and the Government of Kyrgyzstan will consult regarding any arrangement determined by the Department of Commerce to constitute circumvention of this Agreement. If the Department determines that Kyrgyzstan and its related parties did not actively participate in the arrangement, the Department will request consultations with Kyrgyzstan to resolve the problem. If

the problem has not been resolved to the mutual satisfaction of both the United States and Kyrgyzstan, the volume of the uranium product involved in the circumvention may be counted against the export limit in effect at such time. If the Department determines that Kyrgyzstan actively participated in the arrangement, the volume of such arrangement will be deducted from the export limits for Kyrgyzstan.

F. If the Department of Commerce or the Government of Kyrgyzstan determines that any uranium has been intentionally exported to the United States without the required export certificates, the Government of Kyrgyzstan shall: (1) Thereafter prohibit any Kyrgyz producer, exporter, broker, trader, user, and/or related party from supplying uranium to the customer responsible for such circumvention; (2) impose other penalties as allowed by law; and/or (3) take other actions to prevent such circumvention in the future.

G. Given the fungibility of the world uranium market, the Department of Commerce will take into account the following factors in distinguishing normal uranium market arrangements, swaps, or other exchanges from arrangements, swaps, or other exchanges which may be intentionally designed to circumvent the export limits of this suspension agreement:

1. Existence of any verbal or written arrangements which may be designed to circumvent the export limits;

2. Existence of any arrangement as defined in Section IV.F. that was not reported to the Department pursuant to Section VIII.A.;

3. Existence and function of any subsidiaries or affiliates of the parties involved;

4. Existence and function of any historical and/or traditional trading patterns among the parties involved;

5. Deviations (and reasons for deviation) from the above patterns, including physical conditions of relevant uranium facilities;

6. Existence of any payments unaccounted for by previous or subsequent deliveries, or any payments to one party for merchandise delivered or swapped by another party;

7. Sequence and timing of the arrangements;

8. Any other information relevant to the transaction or circumstances.

H. "Swaps" include, but are not limited to:

*Ownership swaps*—involve the exchange of ownership of any type of uranium product(s), without physical transfer. These may include exchange of ownership of uranium products in different countries, so that the parties obtain ownership of products located in different countries; or exchange of ownership of uranium products produced in different countries, so that the parties obtain ownership of products of different national origin.

*Flag swaps*—involve the exchange of indicia of national origin of uranium products, without any exchange of ownership.

*Displacement swaps*—involve the sale or delivery of any type of uranium product(s) from Kyrgyzstan to an intermediary country (or countries) which can be shown to have resulted in the ultimate delivery or sale into the United States of displaced uranium products of any type, regardless of the sequence of the transactions.

I. The Department will enter its determinations regarding circumvention into the record of the suspension agreement.

*VIII. Monitoring*

The Government of Kyrgyzstan will provide to the Department such information as is necessary and appropriate to monitor the implementation of and compliance with the terms of this Agreement. Notwithstanding the above, in cases where information cannot be provided by reason of national security, it is understood that the Department of Commerce will make a determination as to what is reasonable alternative information.

The Department of Commerce shall provide semi-annual reports to the Government of Kyrgyzstan indicating the volume of imports of the subject merchandise to the United States, together with such additional information as is necessary and appropriate to monitor the implementation of this Agreement.

A. Reporting of Data

Beginning on the effective date of this Agreement, the Government of Kyrgyzstan shall collect and provide to the Department the information set forth, in the agreed format in Appendix B. All such information will be provided to the Department on a semi-annual basis on March 1 and September 1 of each calendar year, or upon request. Such information will be subject to the verification provision identified in section VIII.C of this Agreement.

The Department may disregard any information submitted after the deadlines set forth in this section or any information which it is unable to verify to its satisfaction.

Both governments recognize that the effective monitoring of this Agreement may require that the Government of Kyrgyzstan provide information additional to that which is identified above. Accordingly, the Department may establish additional reporting requirements, as appropriate, during the course of this Agreement. The Department shall provide notice to the Government of Kyrgyzstan of any additional reporting requirements no later than 45 days prior to the period covered by such reporting requirements unless a shorter notice period is mutually agreed.

B. Other Sources for Monitoring

The Department will review publicly-available data as well as Customs Form 7501, entry summaries, and other official import data from the Bureau of the Census, on a monthly basis, to determine whether there have been imports that are inconsistent with the provisions of this Agreement.

The Department will monitor Bureau of the Census IM–115 computerized records, which include the quantity and value of each entry. Because these records do not provide other specific entry information, such as the identity of the producer/exporter which may be responsible for such sales, the Department may request the U.S. Customs Service to provide such information. The Department may request other additional documentation from the U.S. Customs Service.

The Department may also request the U.S. Customs Service to direct ports of entry to forward an Antidumping Report of Importations for entries of the subject merchandise during the period this Agreement is in effect.

C. Verification

The Government of Kyrgyzstan agrees to permit full verification of all information related to the administration of this Agreement, on an annual basis or more frequently, as the Department deems necessary to ensure that Kyrgyzstan is in full compliance with the terms of the Agreement.

*IX. Disclosure and Comment*

A. The Department shall make available to representatives of each party to the proceeding, under appropriately-drawn administrative protective orders consistent with the Department's Regulations, business proprietary information submitted to the Department semi-annually or upon request, and in any administrative review of this Agreement.

B. Not later than 30 days after the date of disclosure under paragraph VIII.A., the parties to the proceeding may submit

written comments to the Department, not to exceed 30 pages.

C. During the anniversary month of this Agreement, each party to the proceeding may request a hearing on issues raised during the preceding Relevant Period. If such a hearing is requested, it will be conducted in accordance with section 751 of the Act (19 U.S.C. 1675) and applicable regulations.

*X. Consultations*

A. The Government of Kyrgyzstan and the Department shall hold consultations regarding matters concerning the implementation, operation, or enforcement of this Agreement. Such consultations will be held each year during the anniversary month of this Agreement, except that in the 12 months following the signing of the Agreement, consultations will be held semi-annually. Additional consultations may be held at any other time upon request of either the Government of Kyrgyzstan or the Department. Emergency consultations may be held in accordance with section XI.A.

B. If either the Government of Kyrgyzstan or the Department discovers that substantial quantities of enriched uranium product(s) not subject to this Agreement and produced from Kyrgyz ore are being exported to the United States, the Government of Kyrgyzstan and the Department will promptly enter into consultations to ensure that such exports to the United States are not undermining this Agreement.

C. If, for reasons unrelated to sales of Kyrgyz uranium, the market price of uranium products remains below U.S. $13 per pound $U_3O_8$ equivalent for three consecutive observation periods after January 1, 1993, the Government of Kyrgyzstan and the Department will promptly enter into consultations in order to review the market situation and consider adjustments to the quota.

D. If, at any time during the life of this Agreement, Kyrgyzstan chooses to reopen any of its uranium mines and begin production of uranium, or the Government of Kyrgyzstan can demonstrate that it holds inventories of uranium (*e.g.*, tails, stockpiles, and waste of Kyrgyz origin) mined in Kyrgyzstan, the Government of Kyrgyzstan and the Department will hold consultations to discuss whether any adjustment should be made to this Agreement, and the Department will conduct an appropriate review to permit a decision on whether to establish a quota for Kyrgyzstan and, if so, at what level of imports.

*XI. Violations of the Agreement*

A. Violation

"Violation" means noncompliance with the terms of this Agreement caused by an act or omission by the Government of Kyrgyzstan except, at the discretion of the Secretary, an act or omission which is inadvertent or inconsequential.

The Government of Kyrgyzstan will inform the Department of any violations which come to its attention and the action taken with respect thereto.

Imports in excess of the export limits set out in this Agreement shall not be considered a violation of this Agreement or an indication the Agreement no longer meets the requirements of section 734(l) of the Act, where such imports are minimal in volume, are the result of technical shipping circumstances, and are applied against the export limits of the following year. Technical shipping circumstances that would result in a minimal volume of imports in excess of the export limits are, for example, those where the shipment of a full drum is required for safety factors and such amount is beyond the existing export limit.

Prior to making a determination of an alleged violation, the Department will engage in emergency consultations. Such consultations shall begin no later than 14 days from the day of request and shall provide for full review, but in no event will exceed 30 days. After consultations, the Department will provide the Government of Kyrgyzstan 10 days within which to provide comments. The Department will make a determination within 20 days.

B. Appropriate Action

If the Department determines that this Agreement is being or has been violated, the Department will take such action as it determines is appropriate under section 734(i) of the Act and § 353.19 of the Department's Regulations.

*XII. Duration*

In consideration of the role of long term contracts in the uranium market, the export limits provided for in Section IV of this Agreement shall remain in force from the effective date of this Agreement through October 15, 2000. Thereafter, the volume of exports to the United States of uranium products from Kyrgyzstan shall not be limited by the export limitations provided for in Section IV of this Agreement. For the period October 16, 2000, through October 15, 2002, both the Government of Kyrgyzstan and the Department will pay particular attention to the requirements for monitoring by the Government of Kyrgyzstan and the Department, as provided in Sections VI and VIII of this Agreement. Should such monitoring indicate that, in the absence of the export limits provided for in Section IV, this Agreement no longer prevents the suppression or undercutting of price levels of domestic products by imports of uranium products from Kyrgyzstan, as identified and discussed during consultations, the export limits set forth in Section IV may be reinstated within 30 days after completion of the consultations. If it is determined in subsequent consultations that the conditions that led to the reinstatement of the export limits provided for in Section IV no longer exist, such export limits shall not remain in force and the monitoring specified above shall resume.

The Department will, upon receiving a proper request no later than October 31, 2001, conduct an administrative review under section 751 of the Act. The Department expects to terminate this Agreement and the underlying investigation no later than October 15, 2002, as long as Kyrgyzstan has not been found to have violated the Agreement in any substantive manner. Such review and termination shall be conducted consistent with § 353.25 of the Department's regulations.

The Government of Kyrgyzstan may terminate this Agreement at any time upon notice to the Department. Termination shall be effective 60 days after such notice is given to the Department. Upon termination at the request of the Government of Kyrgyzstan, the provisions of Section 734 of the Act shall apply.

*XIII. Conditions*

During the underlying investigation, the Department determined that Kyrgyzstan is a non-market economy country. Because the two governments share an interest in promoting the transformation of Kyrgyzstan into a market economy, the Department recognizes that it may determine during the life of this Agreement that the Kyrgyz uranium industry is a market-oriented-industry, or that Kyrgyzstan is a market economy country. In either event, the Department may:

(a) Enter into a new suspension agreement under Section 734(b) or 734(c) of the Act; or

(b) If the investigation was not completed under § 353.18(i) of the Department's regulations, afford the Government of Kyrgyzstan a full opportunity to submit new information, and take such information into account in reaching its final determination; or

(c) If the investigation was completed under § 353.18(i), consider a request made no later than 30 days after termination of the Agreement to conduct a changed circumstances review under section 751(b).

*XIV. Other Provisions*

A. In entering into this Agreement, the Government of Kyrgyzstan does not admit that any sales of the merchandise subject to this Agreement have been made at less than fair value or that such sales have materially injured, or threatened material injury to, an industry or industries in the United States.

B. For all purposes hereunder, the Department and the signatory Government shall be represented by, and all communications and notices shall be given and addressed to:

*Department of Commerce Contact*, United States Department of Commerce, Assistant Secretary for Import Administration, International Trade Administration, Washington, DC 20230

*Government of Kyrgyzstan Contact*, Dyishenbek Kamchibekov, Head of the Mining Industry Division, Republic of Kyrgyzstan, Ministry of Industry, Chuy Prospect, 106, Bishkek, 720002, Tel: 3312 228280, FAX: 3312 221806

*XV. Effective Date*

The effective date of this Agreement suspending the antidumping investigation on uranium from the Government of Kyrgyzstan, October 16, 1992.

Signed on this sixteenth day of October, 1992.

For the Government of Kyrgyzstan.

**Esengul K. Omuraliev,**

*Minister of Industry.*

For the U.S. Department of Commerce.

Alan M. Dunn,

*Assistant Secretary for Import Administration.*

**Appendix A**

Note: Appendix A to this Agreement does not exist.

**Appendix B**

In accordance with the established format, the Government of Kyrgyzstan shall collect and provide to the Department all information necessary to ensure compliance with this Agreement.

The Government of Kyrgyzstan will collect and maintain sales data to the United States, in the home market, and to countries other than the United States, on a continuous basis and provide the prescribed information to the Department on March 1, 1993 or upon request, for the period beginning on the effective date of this Agreement and ending January 31, 1993. For the period beginning February 1, 1993, and ending July 31, 1993, the Government of Kyrgyzstan will provide the prescribed information on September 1, 1993 or upon request.

All subsequent information for the periods February 1 through July 31, and August 1 through January 31, will be provided to the Department on a semi-annual basis on March 1 and September 1 respectively of each subsequent calendar year, or upon request.

The Government of Kyrgyzstan will provide a narrative explanation to substantiate all data collected in accordance with the following formats.

*Report of Inventories*

Report, by location, the inventories held by Kyrgyzstan in the United States and imported into the United States between the period beginning March 5, 1992, through the effective date of the Agreement.

1. Quantity: Indicate original units of measure (*e.g.*, pounds $U_3O_8$, Kilograms U, etc.) and in pounds $U_3O_8$ equivalent.
2. Location: Identify where the inventory is currently being held. Provide the name and address for the location.
3. Titled Party: Name and address of party who legally has title to the merchandise.
4. License Number(s): Indicate the number(s) relating to each entry now being held in inventory.
5. Certificate Number(s): Indicate the number(s) relating to each entry now being held in inventory.
6. Date of Original Export: Date the export certificate is endorsed.
7. Date of Entry: Date the merchandise entered the United States or the date book transfer took place.
8. Original Importer: Name and address.
9. Original Exporter: Name and address.
10. Complete Description of Merchandise: Include lot numbers and other available identifying information.

*United States Sales*

1. License Number(s): Indicate the number(s) relating to each sale and/or entry.
2. Certificate Number(s): Indicate the number(s) relating to each sale and/or entry.
3. Complete Description of Merchandise: Include lot numbers and other available identifying documentation.
4. Quantity: Indicate units of measure sold and/or entered, *e.g.*, pounds $U_3O_8$, Kilograms U, etc.
5. Total Sales Value: Indicate currency used.
6. Unit Price: Indicate currency used.
7. Date of Sale: The date all terms of order are confirmed.
8. Sales Order Number(s): Indicate the number(s) relating to each sale and/or entry.
9. Date of Export: Date the export certificate is endorsed.
10. Date of Entry: Date the merchandise entered the United States or the date book transfer took place.
11. Importer of Record: Name and address.
12. Customer: Name and address.
13. Customer Relationship: Indicate whether related or unrelated.
14. Final Destination: Name and address of location for consumption in the United States.
15. Other: *i.e.*, used as collateral, will be re-exported, etc.

*Home Market Sales*

1. Sales Order Number(s): Indicate the number(s) relating to each sale.
2. Quantity: Indicate units of measure sold, *e.g.*, pounds $U_3O_8$, Kilograms U, etc.
3. Date of Sale: Date all terms of order are confirmed.
4. Delivery Date: Date the merchandise was delivered to the customer.
5. Customer: Name and address.
6. Customer Relationship: Indicate whether related or unrelated.

*Sales Other Than United States*

1. License Number(s): Indicate the number(s) relating to each sale and/or entry.
2. Certificate Number(s): Indicate the number(s) relating to each sale and/or entry.
3. Quantity: Indicate units of measure sold and/or entered, *e.g.*, pounds $U_3O_8$, Kilograms U, etc.
4. Date of Sale: The date all terms of order are confirmed.
5. Sales Order Number(s): Indicate the number(s) relating to each sale and/or entry.
6. Date of Export: Date the export certificate is endorsed.
7. Date of Entry: Date the merchandise entered the United States or the date a book transfer took place.
8. Importer of Record: Name and address.
9. Customer: Name and address.
10. Customer Relationship: Indicate whether related or unrelated.
11. Final Destination: Name and address of location for consumption.
12. Other: *i.e.*, used as collateral, will be re-exported, etc.

## Appendix C

Note: Appendix C to this Agreement does not exist.

## Agreement Suspending the Antidumping Investigation on Uranium From the Russian Federation

For the purpose of encouraging free and fair trade in uranium products for peaceful purposes, establishing more normal market relations, and recognizing that this Agreement is necessary for the protection of the essential security interests of the United States and the Russian Federation, pursuant to the provisions of section 734 of the Tariff Act of 1930, as amended (19 U.S.C. 1673c) (the "Act"), the United States Department of Commerce ("the Department") and the Russian Federation Ministry for Atomic Energy (MINATOM) enter into this suspension agreement ("the Agreement").

The Department finds that this Agreement is in the public interest; that effective monitoring of this Agreement by the United States is practicable; and that this Agreement will prevent the suppression or undercutting of price levels of United States domestic uranium products by imports of the merchandise subject to this Agreement.

On the basis of this suspension agreement, the Department shall suspend its antidumping investigation with respect to uranium from the Russian Federation, subject to the terms and provisions set forth below. Further, the Department will instruct the U.S. Customs Service to terminate the suspension of liquidation and to release any cash deposit or bond posted on the products covered by this Agreement as of the effective date of this Agreement.

### *I. Basis for the Agreement*

In order to prevent the suppression or undercutting of price levels of United States domestic uranium, MINATOM will restrict the volume of direct or indirect exports to the United States of uranium products from all producers/exporters of uranium products in the Russian Federation subject to the terms and provisions set forth below.

### *II. Definitions*

For purposes of this Agreement, the following definitions apply:

(a) Pounds $U_3O_8$ equivalents are calculated using the following formulas:

- measured uranium (U) content is converted to $U_3O_8$ by multiplying U by 1.17925
- $U_3O_8$ is converted to U content by multiplying by 0.84799
- 1 Kg $U_3O_8$ = 2.20462 lbs. $U_3O_8$
- 1 Kg U in $UF_6$ = 2.61283 lbs. $U_3O_8$ equivalent
- 1 Kg U in $U_3O_8$ = 2.59982 lbs. $U_3O_8$ equivalent
- the natural feed component for 1 Kg U of enriched uranium product ("EUP") shall be determined using the feed to product factor calculated with the following formulae:

$$[(P_A - T_A)/(F_A - T_A)] = X_A$$

where:

$P_A$ = Actual Product Assay of the imported low enriched uranium ("LEU") as found in the import documents

$T_A$ = For enrichment contracts, the actual tails assay selected by the customer pursuant to the contract; for other contracts calling for the delivery of LEU, 0.3 weight percent $U^{235}$. During the anniversary month of this Agreement, the tails assay for other contracts calling for the delivery of LEU will be amended, as appropriate, based on the optimum tails assay.

$F_A$ = 0.711 weight percent $U^{235}$ (feed assay)

$X_A$ = Feed-to-Product Factor

The feed-to-product factor shall then be multiplied by 2.61283 to reach the lbs. $U_3O_8$ equivalent of the imported LEU.

(b) Date of Export for imports into the United States accompanied by an export certificate of the merchandise subject to this Agreement shall be considered the date the export certificate was endorsed.

(c) Parties to the Proceeding—means any interested party, within the meaning of § 353.2(k) of the Department's regulations, which actively participates through written submissions of factual information or written argument.

(d) Indirect Exports—means any arrangement involving the exchange, sale, or delivery of uranium products from the Russian Federation to the degree it can be shown to have resulted in the sale or delivery in the United States of uranium products from a country other than the Russian Federation or exports from the Russian Federation through one or more third countries whether or not such export is sold in one or more third country prior to importation into the United States.

### *III. Product Coverage*

The merchandise covered by this Agreement are the following products from the Russian Federation:

Natural uranium in the form of uranium ores and concentrates; natural uranium metal and natural uranium compounds; alloys, dispersions (including cermets), ceramic products and mixtures containing natural uranium or natural uranium compounds; uranium enriched in $U^{235}$ and its compounds; alloys, dispersions (including cermets), ceramic products, and mixtures containing uranium enriched in $U^{235}$ or compounds of uranium enriched in $U^{235}$; and any other forms of uranium within the same class or kind.

Uranium ore from Russia milled into $U_3O_8$ and/or converted into $UF_6$ in another country prior to direct and/or indirect importation into the United States is considered uranium from the Russian Federation and is subject to the terms of this Agreement.

For purposes of this Agreement, uranium enriched in $U^{235}$ or compounds of uranium enriched in $U^{235}$ in the Russian Federation are covered by this Agreement, regardless of their subsequent modification or blending. Uranium enriched in $U^{235}$ in another country prior to direct and/or indirect importation into the United States is not considered uranium from the Russian Federation and is not subject to the terms of this Agreement.

Highly enriched uranium ("HEU") is within the scope of this investigation, and HEU is covered by this Agreement. For the purpose of this Agreement, HEU means uranium enriched to 20 percent or greater in the isotope uranium-235.

Imports of uranium ores and concentrates, natural uranium compounds, and all forms of enriched uranium are currently classifiable under Harmonized Tariff Schedule ("HTS") subheadings: 2612.10.00, 2844.10.20, 2844.20.00, respectively. Imports of natural uranium metal and forms of natural uranium other than compounds are currently classifiable under HTS subheadings: 2844.10.10 and 2844.10.50. HTS subheadings are provided for convenience and customs purposes. The written description of the scope of these proceedings is dispositive.

### *IV. Export Limits*

A. MINATOM will restrict the volume of direct or indirect exports on or after the effective date of this Agreement to the United States and the transfer or withdrawal from inventory (consistent with the provisions of Section IV.E.) of the merchandise subject to this Agreement in accordance with the export limits and schedule set forth in Appendix A.

Export limits are expressed in terms of pounds $U_3O_8$ equivalent and kilograms uranium (Kg U).

Export limits are applied on the basis of "Date of Export", as defined in section II.

For purposes of this Agreement, United States shall comprise the customs territory of the United States of America (the 50 States, the District of Columbia and Puerto Rico) and foreign trade zones located in the territory of the United States of America.

B. The export limits of this Agreement shall be effective for the periods October 1 through September 30 (the "Relevant Period").

C.1. For purposes of determining the applicable quota level, the Department will determine the market price. In determining the market price for purposes of establishing the quota level, the Department will use price information in terms of U.S. dollars per pound $U_3O_8$ obtained from the following sources to compute a market price based on the weighted average of the spot market and long-term contract prices.

*Spot Market Price:* The Uranium Price Information System Spot Price (UPIS SPI) and the Uranium Exchange Spot Price (Ux Spot). The Department will calculate a simple average of the monthly values as expressed by these two sources to determine the Spot Price.

*Long-term Contract Price:* The simple average of the UPIS Base Price and the long-term price as determined by the Department on the basis of information provided to the Department by market participants. In determining the long-term price on the basis of information provided to the Department, the Department will use only such information submitted to which the submitter agrees to permit verification.

All information from the identified sources will be subject to review by the Department on the basis of information available from other sources. Furthermore, during the life of the Agreement, the Department can, as appropriate, select alternative sources to use in determining the market price. Should the Department determine that any or all of the identified sources are no longer appropriate, the Department will give parties at least 30 days notice of this decision.

This determination will be made semi-annually. The Department will announce the market price and corresponding quota level on October 1 and April 1 of each year, except as provided below with respect to the first period.

With respect to the first period, which begins on the effective date of this Agreement and ends on March 31, 1993, the Department will determine a market price no later than October 30, 1992. The quota level corresponding to this price will apply to covered exports through March 31, 1993.

In determining the market price, the Department will rely on price information from the identified sources covering the previous six-month period for which prices are available. For example, on October 1, the Department will announce the market price as determined by review of price information relating to the period March 1 through September 1. On April 1, the Department will announce the market price as determined by review of price information relating to the period September 1 through March 1. However, for the first period (October 16, 1992 through March 31, 1993) the Department will utilize price information relating to the period April 1, 1992 through September 30, 1992. For the period beginning on April 1, 1993, the Department will utilize price information relating to the period October 16, 1992, through March 1, 1993.

The quota level announced on October 1 (or October 30, 1992 for the first period) will be equal to one-half of the annualized quota, as expressed in Appendix A, for the corresponding market price. The announced quota level will be the volume, in terms of pounds $U_3O_8$ equivalent, that may be exported to the United States in any form from the Russian Federation during the six month period beginning on October 1 and ending on the following March 31.

The quota level announced on April 1 will be equal to one-half of the annualized quota, as expressed in Appendix A, for the corresponding market price. The announced quota level will be the volume, in terms of pounds $U_3O_8$ equivalent, that may be exported to the United States in any form from the Russian Federation during the six month period beginning on April 1 and ending on the following September 30.

2. Except as provided in Section IV.C.3., multi-year contracts entered into after the effective date of this Agreement may not provide for annual deliveries in excess of the quota allowed under the Agreement as of the date of contract. If such multi-year contracts specify a price at or above the minimum price in the Appendix A price band then in effect on the date the contract is entered into, annual deliveries under such contracts will be applied against the annual quotas in effect at the time of delivery, but may be made in the full amount for the full term of the contract even if they exceed annual quotas in effect at the time of delivery.

3. Notwithstanding Section IV.C.2, multi-year contracts entered into after the effective date of this Agreement may provide for annual deliveries in excess of the quota allowed under the Agreement as of the date of contract provided that they are conditioned upon the necessary additional quota being available at the time of delivery. However, annual deliveries under such conditional contracts shall be strictly subject to the annual quotas in effect at the time of delivery.

4. If, within the maximum limit permitted under this agreement, the Russian Federation exports uranium products to the U.S. under the quota defined in section IV.C. in the form of enriched uranium product, the Russian Federation may take payment for the feed component in the EUP in the form of cash or in the form of an equivalent amount of feed. If Russia takes payment in the form of an equivalent amount of feed from inventories already in the United States, it may sell such feed in the U.S. market without such sale being counted against the applicable quota again so long as such sale is made at a price no less than $13.00 per pound of $U_3O_8$ equivalent. Any subsequent exports from the United States of such feed received by the Russian Federation in payment for the feed component of EUP sales will be permitted and may be sold outside the United States, but will not be added back into the quota.

D. For the first 90 days after the effective date of this Agreement, products exported from the Russian Federation shall be admitted to the United States without an export license and certificate only upon notification to the Department by MINATOM.

The volume of such imports will be counted towards the export limit for the covered products for the first identified period.

The volume of such imports shall be determined in terms of pounds $U_3O_8$ equivalent and kilograms uranium (Kg U) on the basis of U.S. import invoice data. This data will be sorted on the basis of date of export.

E. Any inventories of Russian-origin uranium, currently held by the Russian Federation in the United States and imported into the United States between the period beginning on or after March 5, 1992 (the date corresponding to the Department's critical circumstances determination), through the effective date of this Agreement, will be subject to the following conditions:

Such inventories will not be transferred or withdrawn from inventory for consumption in the United States without an export license and certificate issued under Section V. A request for a license and certificate under this provision shall be accompanied by a report specifying the original date of export, the date of entry into the United States, the identity of the original exporter and importer, the customer, a complete description of the product (including lot numbers and other available identifying documentation),

and the quantity expressed in original units and in pounds of $U_3O_8$ equivalent.

Any amounts authorized by the issuance of an export certificate under this provision shall be counted toward the export limit for the covered products for the period during which the license and certificate were issued for the product that is transferred or withdrawn. The volume shall be determined on the basis of kilograms and pounds $U_3O_8$ equivalent as set forth in the license and certificate.

In the event that there is a surge of sales of Russian-origin uranium from such inventory currently held in the United States, the Department will decrease the export limits to take into account such sales.

F. Direct and indirect exports will be counted towards export limits under this Agreement.

G. Where covered products are imported into the United States and are subsequently re-exported or further processed and re-exported, the export limits for the entered product shall be increased by the amount of pounds $U_3O_8$ equivalent re-exported. This increase will be applicable to the Relevant Period corresponding to the time of such re-export. This increase will be applied only after presentation to the Department and opportunity for verification of such evidence demonstrating original importation, any further processing, and subsequent exportation.

H. For purposes of permitting processing in the United States of uranium products from the Russian Federation, the Government of the Russian Federation may issue re-export certificates for import into the United States of Russian uranium products only where such imports to the United States are not for sale or ultimate consumption in the United States and where re-exports will take place within 12 months of entry into the United States. In no event shall an export certificate be endorsed by the Russian Federation for uranium products previously imported into the United States under such re-export certificate. Such re-export certificates will in no event be issued in amounts greater than one million pounds $U_3O_8$ equivalent per re-export certificate and in no case shall the total volume of uranium products from Russia covered by re-export certificates exceed three million pounds $U_3O_8$ equivalent at any one time.

The importer of record must certify on the import certificate that it will ensure re-exportation within 12 months of entry into the United States. If uranium products from the Russian Federation are not re-exported within 12 months of the date of entry into the United States, the Department will refer the matter to Customs or the Department of Justice for further action and the United States will promptly notify the Government of the Russian Federation and the two governments shall enter into consultations. If the uranium products are not re-exported within 3 months of the referral to Customs or the Department of Justice and the problem has not been resolved to the mutual satisfaction of both the United States and the Russian Federation, the volume of the uranium product entered pursuant to the re-export certificate may be counted against the export limit in effect at such time, or, if there is insufficient quota, the first available quota. This volume may be restored to the export limit if the product is subsequently re-exported.

I. Export limits established for any of the identified Periods may not be used after September 30 of the corresponding Relevant Period, except that limits not so used may be used during the first three months of the respective following period up to a maximum of 20 percent of the export limit for the current Relevant Period.

Export limits for the Relevant Periods may be used as early as August 1 of the previous period within the limit of 15 percent of the export limit for the previous Relevant Period.

J. The Department shall provide fair and equitable treatment for the Russian Federation vis-a-vis other countries that export uranium to the United States, taking into account all relevant factual and legal considerations, including the antidumping laws of the United States.

K. Importation of uranium products from the Russian Federation during each Relevant period pursuant to certain pre-existing contracts entered into before March 5, 1992, with a U.S. utility will be permitted so long as the Department has received a valid copy of such pre-existing contracts and has reviewed each to determine whether importation of the uranium product under the terms of the contract is consistent with the purposes of this Agreement. The contracts which have been approved will be specifically identified in proprietary Appendix C to this Agreement. For contracts approved by the Department, nothing in this Section shall in any way restrict sales of Russian-origin uranium pursuant to transactions which do not involve delivery or transfer of uranium products to the seller, or the seller's account. However, any uranium products delivered or returned to the seller or for the seller's account in connection with an approved contract, shall be subject to the conditions specified below:

Upon reporting to the Department, the seller may dispose of any uranium products delivered to the seller or to the seller's account under such a preexisting contract through:

(1) Sales to the U.S. Government or any agency thereof or any contractor acting on behalf of the U.S. Government so long as such agency or contractor will use or consume the feed in a market neutral manner;

(2) Sales to a utility in the United States under a contract entered into before March 5, 1992, having fixed price terms and submitted for approval by the Department; such contracts shall be approved by the Department for use by the seller provided that the uranium products are not swapped, loaned, or used as loan repayments;

(3) Sale or delivery to any entity outside the United States, including the shipment of such uranium products to the Russian Federation where permissible;

(4) Sales to any entity in the United States at a price at or above $13 per lb. $U_3O_8$ equivalent.

L. Because the Russian Federation has no long-term pre-existing contracts under which deliveries begin before 1994 and because the U.S. Department of Energy ("DOE") can consume EUP in a market-neutral manner which releases no feed into the U.S. market that could lead to the suppression or undercutting of price levels of U.S. uranium products, the Russian Federation will be granted a one-time only opportunity to sell to DOE, its contractors, assigns, or U.S. private parties acting in association with DOE or the U.S. Enrichment Corporation, an amount of 4.1 million pounds $U_3O_8$ equivalent for delivery during the period from the effective date of this Agreement to December 31, 1994, subject to the same terms and conditions described in section IV.M.2.

M. 1. This Agreement in no way prevents the Russian Federation from selling directly or indirectly any or all of the HEU in existence at the time of the signing of this Agreement and/or low enriched uranium ("LEU") produced in Russia from this HEU to the DOE, its governmental successor, its contractors, assigns, or U.S. private parties acting in association with DOE or the U.S. Enrichment Corporation and in a manner not inconsistent with the Agreement between the United States of America and the Russian Federation concerning the disposition of HEU resulting from the dismantlement of nuclear weapons in Russia.

2. Exports pursuant to such sales will not be counted against the export limits established in accordance with paragraph C of this Section. DOE's disposition of the HEU is in the public interest because: (1) The HEU or products from it are processed or delivered by DOE, its governmental successors, its contractors, assigns, or U.S. private parties acting in a manner not inconsistent with the Agreement between the United States of America and the Russian Federation concerning the disposition of HEU resulting from the dismantlement of nuclear weapons in Russia; (2) any utility-owned uranium products delivered pursuant to enrichment contracts affected by purchase of HEU or HEU products are not resold in the United States, either as natural uranium or as LEU produced in excess of the contractually-specified amount; (3) contracts for the purchase of HEU or HEU products from Russia are provided to the Department; (4) annual summaries of utilization of HEU and HEU products and associated utility feed are provided to the Department, and (5) the Department determines that permitting importation of all or any portion of the HEU or HEU products in question is consistent with the purposes of this Agreement.

3. Exports of HEU, or products made in Russia from HEU, must be accompanied by a certificate endorsed by MINATOM. Such certificate shall specify the amounts of material and certify that such HEU, or products made in Russia from HEU, were derived from HEU in existence as of the signing of this Agreement.

*V. Export License/Certificates*

A. MINATOM will instruct the Russian Federation Ministry of Foreign Economic Relations ("MFER") to provide export licenses and certificates for all direct or indirect exports to the United States from the Russian Federation of the merchandise covered by this Agreement. Such export licenses and certificates will be issued in a manner determined by MFER, in accordance with laws of the Russian Federation, and this Agreement, and will ensure that established export limits are not exceeded.

MINATOM shall take action, including the imposition of penalties, as may be necessary to make effective the obligations resulting from the export licenses and certificates. MINATOM will inform the Department of any violations concerning the export licenses and/or certificates which come to its attention and the action taken with respect thereto.

The Department will inform MINATOM of violations concerning the export licenses and/or certificates which come to its attention and the action taken with respect thereto.

B. Export licenses shall be issued and export certificates shall be endorsed by MFER for all direct or indirect exports to the United States of the merchandise subject to this Agreement in quantities no greater than the number of pounds $U_3O_8$ equivalent and the number of kilograms of uranium (Kg U) specified by the Department under section IV.C. for each period. The formulas for converting uranium in its various forms to pounds $U_3O_8$ equivalent are set forth in section II. of this Agreement.

C. Export licenses will be issued and export certificates will be endorsed against the export limits for Relevant Periods.

Export certificates for the Relevant Periods may be used as early as August 1 of the previous Relevant Period within a limit of 15 percent of the export limit for the previous Relevant Period.

Export certificates issued for each Relevant Period may not be used after September 30 for each subsequent year except that certificates not so used may be used during the first three months of the respective following period, up to a maximum of 20 percent of the export limit for the current period.

D. MINATOM will require that all exports of the merchandise subject to this Agreement shall be accompanied by a certificate (form to be agreed). The certificate shall be endorsed pursuant to a license and issued no earlier than one month before the day, month, and year on which the merchandise is accepted by a transportation company, as indicated in the bill-of-lading or a comparable transportation document, for export. The certificate will also indicate the customer, the complete description of the product exported, country of origin of the uranium ore, and quantity expressed in the original units and kilograms $U_3O_8$ equivalent, and as appropriate, number of separate work units (SWU). If any of this information is in a language other than English, the certificate must also contain an English language translation of this information.

E. The United States shall require presentation of such certificates as a condition for entry into the United States of the merchandise subject to this Agreement on or after the effective date of this Agreement. The United States will prohibit the entry of such products not accompanied by such a certificate, except as provided in Sections IV.D. and IV.H. of this Agreement.

*VI. Implementation*

In order to effectively restrict the volume of exports of uranium to the United States, MINATOM agrees to implement the following procedures no later than 90 days after the effective date of this Agreement:

A. Establish an export licensing and certification program for all exports of uranium from the Russian Federation to, or destined directly or indirectly for consumption in, the United States.

B. Ensure compliance by all the Russian Federation producers, exporters, brokers, traders, users, and/or related parties of such uranium with all procedures established in order to effectuate this Agreement.

C. Collect information from all the Russian Federation producers, exporters, brokers, traders, users, and/or related parties of such on the production and sale of uranium.

D. Require that purchasers agree not to circumvent this Agreement, report to the Russian Federation subsequent arrangements entered into for the sale, exchange, or loan to the United States of uranium purchased from Russia, and include these same provisions in any subsequent contracts involving uranium purchased from Russia.

*VII. Anticircumvention*

A. MINATOM will take all appropriate measures under Russian law to prevent circumvention of this Agreement. It will not enter into any arrangement for the purpose of circumventing the export limits in Section IV of this Agreement. It will require that purchasers agree not to circumvent this Agreement. It will require that all purchasers report to the Russian Federation subsequent arrangements entered into for the sale, exchange or loan to the United States of uranium purchased from Russia. It will also require that all purchasers include the same provisions in any subsequent contracts involving uranium purchased from Russia.

B. In addition to the reporting requirements of Section VIII of this suspension agreement, MINATOM will share within 15 days of an official request from the U.S. Department of Commerce, unless a longer time is mutually agreed, all particulars known to MINATOM regarding initial and subsequent arrangements of uranium between the Russian Federation and any party regardless of the original intended destination.

C. The Department of Commerce will accept comments from all parties for fifteen days after the receipt of

information requested under paragraph B of this section. The Department will determine within 45 days of the date of the information request under paragraph B whether subject arrangements circumvent the export limits of this agreement.

D. In addition to the above requirements, the Department shall direct the U.S. Customs Service to require all importers of uranium into the United States, regardless of stated country of origin, to submit at the time of entry a written statement certifying that the uranium being imported was not obtained under any arrangement, swap, or other exchange designed to circumvent the export limits for uranium of Russian Federation origin established by this Agreement. Where there is reason to believe that such a certification has been made falsely, the Department will refer the matter to Customs or the Department of Justice for further action.

E. The Department of Commerce and MINATOM will consult regarding any arrangement determined by the Department of Commerce to constitute circumvention of this Agreement. If the Department determines that the Russian Federation and its related parties did not actively participate in the arrangement, the Department will request consultations with the Russian Federation to resolve the problem. If the problem has not been resolved to the mutual satisfaction of both the United States and the Russian Federation, the volume of the uranium product involved in the circumvention may be counted against the export limit in effect at such time. If the Department determines that the Russian Federation actively participated in the arrangement, the volume of such arrangement will be counted against the export limits for the Russian Federation in effect at such time or, to the extent the Russian Federation has utilized such export limits, to the next available quota.

F. If the Department of Commerce or Government of the Russian Federation determines that any uranium has been intentionally exported to the United States without the required export certificates, MINATOM shall thereafter prohibit any Russian producer, exporter, broker, trader, user, and/or related party from supplying uranium to the customer responsible for such circumvention, impose other penalties as allowed by law, and/or take other actions to prevent such circumvention in the future.

G. Given the fungibility of the world uranium market, the Department of Commerce will take into account the following factors in distinguishing normal uranium market arrangements, swaps, or other exchanges from arrangements, swaps, or other exchanges which may be intentionally designed to circumvent the export limits of this suspension agreement:

1. Existence of any verbal or written arrangements which may be designed to circumvent the export limits;

2. Existence of any arrangement as defined in Section II.(d) that was not reported to the Department pursuant to Section VIII.A.;

3. Existence and function of any subsidiaries or affiliates of the parties involved;

4. Existence and function of any historical and/or traditional trading patterns among the parties involved;

5. Deviations (and reasons for deviation) from the above patterns, including physical conditions of relevant uranium facilities;

6. Existence of any payments unaccounted for by previous or subsequent deliveries, or any payments to one party for merchandise delivered or swapped by another party;

7. Sequence and timing of the arrangements; and

8. Any other information relevant to the transaction or circumstances.

H. "Swaps" include, but are not limited to:

*Ownership swaps*—involve the exchange of ownership of any type of uranium product(s), without physical transfer. These may include exchange of ownership of uranium products in different countries, so that the parties obtain ownership of products located in different countries; or exchange of ownership of uranium products produced in different countries, so that the parties obtain ownership of products of different national origin.

*Flag swaps*—involve the exchange of indicia of national origin of uranium products, without any exchange of ownership.

*Displacement swaps*—involve the sale or delivery of any type of uranium product(s) from the Russian Federation to an intermediary country (or countries) which can be shown to have resulted in the ultimate delivery or sale into the United States of displaced uranium products of any type, regardless of the sequence of the transactions.

I. The Department will enter its determinations regarding circumvention into the record of the suspension agreement.

*VIII. Monitoring*

MINATOM and the Department will engage in a mutual exchange of such information as is necessary and appropriate to monitor the implementation of and compliance with the terms of this Agreement consistent with the Department's statutory and regulatory obligations. Notwithstanding the above, in cases where information cannot be provided by reason of national security, it is understood that the Department of Commerce will make a determination as to what is reasonable alternative information.

A. Reporting of Data

Beginning on the effective date of this Agreement, MINATOM shall collect and provide to the Department the information set forth in the agreed format in Appendix B. All such information will be provided to the Department upon official request, but not more than two times a year unless such information is necessary for consultations. Such information will be subject to the verification provision identified in section VIII.C of this Agreement. The Department may disregard any information not submitted in a timely manner or any information which it is unable to verify to its satisfaction.

The Department shall provide semi-annual reports to MINATOM indicating the volume of imports of the subject merchandise to the United States, together with such additional information as is necessary and appropriate to monitor the implementation of this Agreement.

Both governments recognize that the effective monitoring of this Agreement may require that MINATOM provide information additional to that which is identified above. Accordingly, the Department may establish, with MINATOM's assistance, additional reporting requirements, as appropriate, during the course of this Agreement. The Department shall provide notice to MINATOM of any additional reporting requirements no later than 45 days prior to the period covered by such reporting requirements unless a shorter notice period is mutually agreed.

B. Other Sources for Monitoring

The Department will review publicly-available data as well as Customs form 7501, entry summaries, and other official import data from the Bureau of the Census, on a monthly basis, to determine whether there have been imports that are inconsistent with the provisions of this Agreement.

The Department will monitor Bureau of the Census IM–115 computerized records, which include the quantity and value of each entry. Because these records do not provide other specific entry information, such as the identity of

the producer/exporter which may be responsible for such sales, the Department may request the U.S. Customs Service to provide such information. The Department may request other additional documentation from the U.S. Customs Service.

The Department may also request the U.S. Customs Service to direct ports of entry to forward an Antidumping Report of Importations for entries of the subject merchandise during the period this Agreement is in effect.

C. Verification

MINATOM agrees to permit full verification of all information related to the administration of this Agreement, on an annual basis or more frequently, as the Department deems necessary to ensure full compliance with the terms of the Agreement.

*IX. Disclosure and Comment*

A. The Department shall make available to representatives of each party to the proceeding, under appropriately-drawn administrative protective orders consistent with the Department's Regulations, business proprietary information submitted to the Department semi-annually or upon request, and in any administrative review of this Agreement.

B. Not later than 30 days after the date of disclosure under Section IX.A., the parties to the proceeding may submit written comments to the Department, not to exceed 30 pages.

C. During the anniversary month of this Agreement, each party to the proceeding may request a hearing on issues raised during the preceding Relevant Period. If such a hearing is requested, it will be conducted in accordance with section 751 of the Act (19 U.S.C. 1675) and applicable regulations.

*X. Consultations*

A. MINATOM and the Department shall hold consultations regarding matters concerning the implementation, operation, or enforcement of this Agreement. Such consultations will be held each year during the anniversary month of this Agreement, except that in the initial year following the signing of the Agreement, consultations will be held semi-annually. Additional consultations may be held at any other time upon request of either MINATOM or the Department. Emergency consultations may be held in accordance with section XI.A.

B. If either MINATOM or the Department discovers that substantial quantities of uranium product(s) not subject to this Agreement and produced from Russian ore are being exported to the United States, MINATOM and the Department will promptly enter into consultations to ensure that such exports to the United States are not undermining this Agreement.

C. If, for reasons unrelated to sales of Russian uranium, the market price determined under Section IV.C.1. of uranium products remains below U.S. $13 per pound $U_3O_8$ equivalent after September 30, 1993, or for any two consecutive periods thereafter, MINATOM and the Department will promptly enter into consultations in order to review the market situation and consider adjustments to the quota.

*XI. Violations of the Agreement*

A. Violation

"Violation" means noncompliance with the terms of this Agreement caused by an act or omission by MINATOM except, at the discretion of the Secretary, an act or omission which is inadvertent or inconsequential.

MINATOM will inform the Department of any violations which come to its attention and the action taken with respect thereto.

Imports in excess of the export limits set out in this Agreement shall not be considered a violation of this Agreement, or an indication the Agreement no longer meets the requirements of section 734(l) of the Act, where such imports are minimal in volume, are the result of technical shipping circumstances, and are applied against the export limits of the following year. Technical shipping circumstances that would result in a minimal volume of imports in excess of the export limits are, for example, those where the shipment of a full drum is required for safety factors and such amount is beyond the existing export limit.

Prior to making a determination of an alleged violation, the Department will engage in emergency consultations. Such consultations shall begin no later than 14 days from the day of request and shall provide for full review, but in no event will exceed 30 days. After consultations, the Department will provide MINATOM 10 days within which to provide comments. The Department will make a determination within 20 days.

B. Appropriate Action

If the Department determines that this Agreement is being or has been violated, the Department will take such action as it determines is appropriate under section 734(i) of the Act and § 353.19 of the Department's Regulations.

*XII. Duration*

In consideration of the role of long-term contracts in the uranium market, subject to the provisions of Section XIII of this Agreement and § 353.25 of the Department's regulations, the export limits provided for in Section IV of this Agreement shall remain in force from the effective date of this Agreement through October 15, 2000. Thereafter, the volume of exports to the United States of uranium products from Russia shall not be limited by the export limitations provided for in Section IV of this Agreement. For the period October 16, 2000, through October 15, 2002, both MINATOM and the Department will pay particular attention to the requirements for monitoring by MINATOM and the Department, as provided in Sections VI and VIII of this Agreement. Should such monitoring indicate that, in the absence of the export limits provided for in Section IV, this Agreement no longer prevents the suppression or undercutting of price levels of domestic products by imports of uranium products from Russia, as identified and discussed during consultations, the export limits set forth in Section IV may be reinstated within 30 days after completion of the consultations. If it is determined in subsequent consultations that the conditions that led to the reinstatement of the export limits provided for in Section IV no longer exist, such export limits shall not remain in force and the monitoring specified above shall resume.

The Department will, upon receiving a proper request no later than October 31, 2001, conduct an administrative review under Section 751 of the Act. The Department expects to terminate this Agreement and the underlying investigation no later than October 15, 2002, as long as the Russian Federation has not been found to have violated the Agreement in any substantive manner. Such review and termination shall be conducted consistent with § 353.25 of the Department's regulations.

MINATOM may terminate this Agreement at any time upon notice to the Department. Termination shall be effective 60 days after such notice is given to the Department. Upon termination at the request of MINATOM, the provisions of Section 734 of the Act shall apply.

If the Department has determined that a sufficient amount of time has elapsed between the effective date of this Agreement and the date of termination, the Department will follow the provisions of Sections XIII.(b). or XIII.(c). of this Agreement.

*XIII. Conditions*

During the underlying investigation, the Department determined that the Russian Federation is a non-market economy country. Because the two governments share an interest in promoting the transformation of the Russian Federation into a market economy, the Department recognizes that it may determine during the life of this Agreement that the Russian uranium industry is a market-oriented-industry, or that the Russian Federation is a market economy country. In either event, the Department may:

(a) Enter into a new suspension agreement under Section 734(b) or 734(c) of the Act; or

(b) If the investigation was not completed under section 353.18(i) of the Department's regulations, afford MINATOM a full opportunity to submit new information, and take such information into account in reaching its final determination; or

(c) If the investigation was completed under § 353.18(i), consider a request made no later than 30 days after termination of the Agreement to conduct a changed circumstances review under section 751(b).

*XIV. Other Provisions*

A. In entering into this Agreement, MINATOM does not admit that any sales of the merchandise subject to this Agreement have been made at less than fair value or that such sales have materially injured, or threatened material injury to, an industry or industries in the United States.

B. For all purposes hereunder, the Department and MINATOM shall be represented by, and all communications and notices shall be given and addressed to:

Department of Commerce Contact United States Department of Commerce Assistant Secretary for Import Administration International Trade Administration Washington, DC 20230

Ministry for Atomic Energy Contact Deputy Minister Moscow 109108 Russia

*XV. Effective Date*

The effective date of this Agreement suspending the antidumping investigation on uranium from the Russian Federation is October 16, 1992.

The English language version of this Suspension Agreement shall be controlling.

Signed on this sixteenth day of October, 1992.

For the Russian Federation Ministry of Atomic Energy.

Vladimir Lukin,

*His Excellency Ambassador of the Russian Federation.*

For U.S. Department of Commerce.

Alan M. Dunn,

*Assistant Secretary for Import Administration.*

APPENDIX A: RUSSIAN FEDERATION

| Price level ($) | Quota in millions of pounds $U_3O_8$ |
|---|---|
| 13.00–13.99 | 0.5 |
| 14.00–14.99 | 0.7 |
| 15.00–15.99 | 1.0 |
| 16.00–16.99 | 1.4 |
| 17.00–17.99 | 2.0 |
| 18.00–18.99 | 3.3 |
| 19.00–19.99 | 3.8 |
| 20.00–20.99 | 4.8 |
| 21.00 and up | Unlimited $U_3O_8$* |

*Russia may only export a quantity of LEU which contains a maximum of 10–12% of the U.S. enrichment market's annual demand under the sum of this quota plus the long-term contract mechanism quota.

Note 1: Price is measured in U.S. $/lbs. and is an observed price in the U.S. market as defined in the suspension agreement and reviewed every six months for adjustment.

Note 2: Quota levels are expressed in millions of pounds of $U_3O_8$ equivalent as converted by the conversion formulae outlined in the suspension agreement.

**Appendix B**

In accordance with the established format, MINATOM shall collect and provide to the Department all information necessary to ensure compliance with this Agreement.

MINATOM will collect and maintain sales data to the United States and to countries other than the United States on a continuous basis and in the following agreed formats. MINATOM will provide a narrative explanation to substantiate all data collected in accordance with the following formats. MINATOM will also collect and provide data on the total quantity of home market sales, expressed in the units of measure sold. Unless such information is necessary for consultations, MINATOM will provide the information to the Department not more than two times a year. Unless otherwise specified in the official request, the information provided shall cover all sales for the six-month period identified in the official request. In response to an official request from the Department, MINATOM will provide the Department within 30 days all such information, unless otherwise mutually agreed.

*Report of Inventories*

Report, by location, the inventories held by the Russian Federation in the United States and imported into the United States between the period beginning March 5, 1992, through the effective date of the agreement.

1. Quantity: Indicate original units of measure (*e.g.*, pounds $U_3O_8$, Kilograms U, etc.) and in pounds $U_3O_8$ equivalent.
2. Location: Identify where the inventory is currently being held. Provide the name and address for the location.
3. Titled Party: Name and address of party who legally has title to the merchandise.
4. License Number(s): Indicate the number(s) relating to each entry now being held in inventory.
5. Certificate Number(s): Indicate the number(s) relating to each entry now being held in inventory.
6. Date of Original Export: Date of export certificate is endorsed.
7. Date of Entry: Date the merchandise entered the United States or the date book transfer took place.
8. Original Importer: Name and address.
9. Original Exporter: Name and address.
10. Complete Description of Merchandise: Include lot numbers and other available identifying information.

*United States Sales*

1. License Number(s): Indicate the number(s) relating to each sale and/or entry.
2. Certificate Number(s): Indicate the number(s) relating to each sale and/or entry.
3. Complete Description of Merchandise: Include lot numbers and other available identifying of documentation.
4. Quantity: Indicate units of measure sold and/or entered *e.g.*, pounds $U_3O_8$, Kilograms U, etc.
5. Total Sales Value: Indicate currency used.
6. Unit Price: Indicate currency used.
7. Date of Sale: The date all terms of order are confirmed.
8. Sales Order Number(s): Indicate the number(s) relating to each sale and/or entry.
9. Date of Export: Date the export certificate is endorsed.
10. Date of Entry: Date the merchandise entered the United States or the date book transfer took place.
11. Importer of Record: Name and address.
12. Customer: Name and address.
13. Customer Relationship: Indicate whether related or unrelated.
14. Final Destination: Name and address of location for consumption in the United States, if known.
15. Other: *i.e.*, used as collateral, will be re-exported, etc.

*Sales Other Than United States*

1. License Number(s): Indicate the number(s) relating to each sale and/or entry.
2. Certificate Number(s): Indicate the number(s) relating to each sale and/or entry.
3. Quantity: Indicate units of measure sold and/or entered, *e.g.*, pounds $U_3O_8$, Kilograms U, etc.
4. Date of Sale: The date all terms of order are confirmed.
5. Sale Order Number(s): Indicate the number(s) relating to each sale and/or entry.
6. Date of Export: Date the export certificate is endorsed or the date as indicated in the bill-of-lading or a comparable transportation document.
7. Date of Entry: Date the merchandise entered the United States or the date a book transfer took place.
8. Importer of Record: Name and address.
9. Customer: Name and address.
10. Customer Relationship: India whether related or unrelated.
11. Final Destination: Name and address of location for consumption, if known.
12. Other: *i.e.*, used as collateral, will be re-exported, etc.

**Appendix C—Russian Federation**

Proprietary Document, Public Version. (No text in Public Version.)

**Agreement Suspending the Antidumping Investigation on Uranium from the Republic of Tajikistan**

For the purpose of encouraging free and fair trade in uranium products for peaceful purposes, establishing more normal market relations, and recognizing that this Agreement is necessary for the protection of the essential security interests of the United States and the Republic of Tajikistan, pursuant to the provisions of section 734 of the Tariff Act of 1930, as amended (19 U.S.C. 1673c) (the "Act"), the United States Department of Commerce ("the Department") and the Government of Tajikistan into this suspension agreement ("the Agreement").

The Department finds that this Agreement is in the public interest; that effective monitoring of this Agreement by the United States is practicable; and that this Agreement will prevent the suppression or undercutting of price levels of United States domestic uranium products by imports of the merchandise subject to this Agreement.

On the basis of this suspension agreement, the Department shall suspend its antidumping investigation with respect to uranium from Tajikistan subject to the terms and provisions set forth below. Further, the Department will instruct the U.S. Customs Service to terminate the suspension of liquidation and to release any cash deposit or bond posted on the products covered by this Agreement as of the effective date of this Agreement.

*I. Basis for the Agreement*

In order to prevent the suppression or undercutting of price levels of United States domestic uranium, the Government of Tajikistan will restrict the volume of direct or indirect exports to the United States of uranium products from all producers/exporters of uranium products in Tajikistan subject to the terms and provisions set forth below.

*II. Definitions*

For purposes of this Agreement, the following definitions apply:

(a) Pounds $U_3O_8$ equivalents are calculated using the following formulas:

- Measured uranium (U) content is converted to $U_3O_8$ by multiplying U by 1.17925.
- $U_3O_8$ is converted to U content by multiplying by 0.84799.
- 1 Kg $U_3O_8$ = 2.20462 lbs. $U_3O_8$.
- 1 Kg U in $UF_6$ = 2.61283 lbs. $U_3O_8$ equivalent.
- 1 Kg U in $U_3O_8$ = 2.59982 lbs. $U_3O_8$ equivalent.

(b) Date of Export for imports into the United States accompanied by an export certificate of the merchandise subject to this Agreement shall be considered the date the export certificate was endorsed.

(c) Parties to the Proceeding—means any interested party, within the meaning of § 353.2(k) of the Department's regulations, which actively participates through written submissions of factual information or written argument.

(d) Indirect Exports—means arrangements as defined in section IV.F. of this Agreement and exports from Tajikistan through one or more third countries, whether or not such export is sold in one or more third country prior to importation into the United States.

*III. Product Coverage*

The merchandise covered by this Agreement are the following products from Tajikistan:

Natural uranium in the form of uranium ores and concentrates; natural uranium metal and natural uranium compounds; alloys, dispersions (including cermets), ceramic products and mixtures containing natural uranium or natural uranium compounds; uranium enriched in $U^{235}$ and its compounds; alloys, dispersions (including cermets), ceramic products, and mixtures containing uranium enriched in $U^{235}$ or compounds of uranium enriched in $U^{235}$; and any other forms of uranium within the same class or kind.

Uranium ore from Tajikistan milled into $U_3O_8$ and/or converted into $UF_6$ in another country prior to direct and/or indirect importation into the United States is considered uranium from Tajikistan and is subject to the terms of this Agreement.

For purposes of this Agreement, uranium enriched in $U^{235}$ in another country prior to direct and/or indirect importation into the United States is not considered uranium from Tajikistan and is not subject to the terms of this Agreement.

Imports of uranium ores and concentrates, natural uranium compounds, and all forms of enriched uranium are currently classifiable under Harmonized Tariff Schedule ("HTS") subheadings: 2612.10.00, 2844.10.20, 2844.20.00, respectively. Imports of natural uranium metal and forms of natural uranium other than compounds are currently classifiable under HTS subheadings: 2844.10.10 and 2844.10.50. HTS subheadings are provided for convenience and customs purposes. The written description of the scope of these proceedings is dispositive.

*IV. Export Limits*

A. The Government of Tajikistan will restrict the volume of direct or indirect exports on or after the effective date of this Agreement to the United States and the transfer or withdrawal from inventory (consistent with the provisions of paragraph E) of the merchandise subject to this Agreement in accordance with the export limits and schedule set forth in Appendix A.

Export limits are expressed in terms of pounds $U_3O_8$ equivalent and kilograms uranium (Kg U).

Export limits are applied on the basis of "Date of Export", as defined in section II.

For purposes of this Agreement, United States shall comprise the customs territory of the United States of America (the 50 States, the District of Columbia and Puerto Rico) and foreign trade zones located in the territory of the United States of America.

B. The export limits of this Agreement shall be effective for the periods October 1 through September 30 (the "Relevant Period").

C.1. For purposes of determining the applicable quota level, the Department will determine the market price. In determining the market price for purposes of establishing the quota level, the Department will use price

information in terms of U.S. dollars per pound $U_3O_8$ obtained from the following sources:

*Spot Market Price:* The Uranium Price Information System Spot Price (UPIS SPI) and the Uranium Exchange Spot Price (Ux Spot). The Department will calculate a simple average of the monthly values as expressed by these two sources to determine the Spot Price.

*Long-term Contract Price:* The simple average of the UPIS Base Price and the long-term price as determined by the Department on the basis of information provided to the Department by market participants. In determining the long-term price on the basis of information provided to the Department, the Department will use only such information submitted to which the submitter agrees to permit verification. All information from the identified sources will be subject to review by the Department on the basis of information available from other sources. Furthermore, during the life of this Agreement, the Department can, as appropriate, select alternative sources to use in determining the market price. Should the Department determine that any or all of the identified sources are no longer appropriate, the Department will give parties at least 30 days' notice of its decision.

This determination will be made semi-annually. The Department will announce the market price and corresponding quota level on October 1 and April 1 of each year, except as provided below with respect to the first period.

With respect to the first period, which begins on the effective date of this Agreement and ends on March 31, 1993, the Department will determine a market price no later than October 30, 1992. The quota level corresponding to this price will apply to covered exports through March 31, 1993.

In determining the market price the Department will rely on price information from the identified sources covering the previous six-month period for which prices are available. For example, on October 1, the Department will announce the market price as determined by review of price information relating to the period March 1 through September 1. On April 1, the Department will announce the market price as determined by review of price information relating to the period September 1 through March 1. However, for the first period (October 16, 1992 through March 31, 1993) the Department will utilize price information relating to the period of April 1, 1992 through September 30, 1992. For the period beginning on April 1, 1993, the Department will utilize price information relating to the period October 16, 1992 through March 1, 1993.

The quota level announced on October 1 will be equal to one-half of the annualized quota, as expressed in Appendix A, for the corresponding market price. The announced quota level will be the volume, in terms of pounds $U_3O_8$ equivalent, that may be exported to the United States in any form from Tajikistan during the six-month period beginning on October 1 and ending on the following March 31.

The quota level announced on April 1 will be equal to one-half of the annualized quota, as expressed in Appendix A, for the corresponding market price. The announced quota level will be the volume, in terms of pounds $U_3O_8$ equivalent, that may be exported to the United States in any form from Tajikistan during the six-month period beginning on April 1 and ending on the following September 30.

2. Except as provided in paragraph 3 below, multi-year contracts entered into after the effective date of this Agreement may not provide for annual deliveries in excess of the quota allowed under the Agreement as of the date of contract. If such multi-year contracts specify a price at or above the minimum price in the Appendix A price band then in effect on the date the contract is entered into, annual deliveries under such contracts will be applied against the annual quotas in effect at the time of delivery, but may be made in the full amount for the full term of the contract even if they exceed annual quotas in effect at the time of delivery.

3. Notwithstanding paragraph 2, multi-year contracts entered into after the effective date of this Agreement may provide for annual deliveries in excess of the quota allowed under the Agreement as of the date of contract endorsement, provided that they are conditioned upon the necessary additional quota being available at the time of delivery. However, annual deliveries under such conditional contracts shall be strictly subject to the annual quotas in effect at the time of delivery.

D. For the first 90 days after the effective date of this Agreement, products exported from Tajikistan shall be admitted to the United States without an export license and certificate issued by the Government of Tajikistan specifically for export to the United States after the date of this Agreement only upon notification to the Department by the individual who signed this agreement or his/her successor.

The volume of such imports will be counted towards the export limit for the covered products for the first period.

The volume of such imports shall be determined in terms of pounds $U_3O_8$ equivalent and kilograms uranium (Kg U) on the basis of U.S. import invoice data. This data will be sorted on the basis of date of export.

E. Any inventories of Tajikistani-origin uranium, currently held by Tajikistan in the United States and imported into the United States between the period beginning on or after March 5, 1992 (the date corresponding to the Department's critical circumstances determination) through the effective date of this Agreement will be subject to the following conditions:

Such inventories will not be transferred or withdrawn from inventory for consumption in the United States without an export license and certificate issued by the Government of Tajikistan. A request for a license and certificate under this provision shall be accompanied by a report specifying the original date of export, the date of entry into the United States, the identity of the original exporter and importer, the customer, a complete description of the product (including lot numbers and other available identifying documentation), and the quantity expressed in original units and in pounds of $U_3O_8$ equivalent.

Any amounts authorized by Tajikistan's issuing an export certificate under this provision shall be counted toward the export limit for the covered products for the period during which the license and certificate were issued for the product that is transferred or withdrawn. The volume shall be determined on the basis of kilograms and pounds $U_3O_8$ equivalent authorized by the Government of Tajikistan as set forth in the license certificate.

In the event that there is a surge of sales of Tajikistan-origin uranium from such inventory currently held in the United States, the Department will decrease the export limits to take into account such sales.

F. Any arrangement involving the exchange, sale, or delivery of uranium products from Tajikistan will be counted towards export limits under this Agreement to the degree it can be shown to have resulted in the sale or delivery in the United States of uranium products from a country other than Tajikistan.

G. Where covered products are imported into the United States and are subsequently re-exported or further processed and re-exported, the export limits for the entered product shall be

increased by the amount of pounds $U_3O_8$ equivalent re-exported. This increase will be applicable to the Relevant Period corresponding to the time of such re-export. This increase will be applied only after presentation to the Department and opportunity for verification of such evidence demonstrating original importation, any further processing, and subsequent exportation.

H. For purposes of permitting processing in the United States of uranium products from Tajikistan, the Government of Tajikistan may issue re-export certificates for import into the United States of Tajikistani uranium products only where such imports to the United States are not for sale or ultimate consumption in the United States and where re-exports will take place within 12 months of entry into the United States. In no event shall an export certificate be endorsed by Tajikistan for uranium products previously imported into the United States under such re-export certificate. Such re-export certificates will in no event be issued in amounts greater than one million pounds $U_3O_8$ equivalent per re-export certificate and in no case shall the total volume of uranium products from Tajikistan covered by re-export certificates exceed three million pounds $U_3O_8$ equivalent at any one time.

The importer of record must certify on the import certificate that it will ensure re-exportation within 12 months of entry into the United States. If uranium products from Tajikistan are not re-exported within 12 months of the date of entry into the United States, the Department will refer the matter to Customs or the Department of Justice for further action and the United States will promptly notify the Government of Tajikistan and the two governments shall enter into consultations. If the uranium products are not re-exported within 3 months of the referral to Customs or the Department of Justice and the problem has not been resolved to the mutual satisfaction of both the United States and Tajikistan, the volume of the uranium product entered pursuant to the re-export certificate may be counted against the export limit in effect at such time, or, if there is insufficient quota, the first available quota. This volume may be restored to the export limit if the product is subsequently re-exported.

I. Export limits established for any of the identified Periods may not be used after September 30 of the corresponding Relevant Period, except that limits not so used may be used during the first three months of the respective following period up to a maximum of 20 percent of the export limit for the current Relevant Period.

Export limits for the Relevant Periods may be used as early as August 1 of the previous period within the limit of 15 percent of the export limit for the previous Relevant Period.

J. The Department shall provide fair and equitable treatment for Tajikistan vis-a-vis other countries that export uranium to the United States, taking into account all relevant factual and legal considerations, including the antidumping laws of the United States.

K. Importation of uranium products from Tajikistan during each Relevant Period pursuant to certain pre-existing contracts entered into before March 5, 1992 with a U.S. utility will be permitted so long as the Department has received a valid copy of such pre-existing contracts and has reviewed each to determine whether importation of the uranium product under the terms of the contract is consistent with the purposes of this Agreement. The contracts which have been approved will be specifically identified in proprietary Appendix C to this Agreement. For contracts approved by the Department, nothing in this Section shall in any way restrict sales of Tajikistani-origin uranium pursuant to transactions which do not involve delivery or transfer of uranium products to the seller, or the seller's account. However, any uranium products delivered or returned to the seller or the seller's account pursuant to such contract shall be subject to the conditions specified below:

Upon reporting to the Department, the seller may dispose of any uranium products delivered to the seller or to the seller's account under such a preexisting contract through:

(1) Sales to the U.S. government or any agency thereof or any contractor acting on behalf of the U.S. government so long as such agency or contractor will use or consume the feed in a market-neutral manner;

(2) Sales to a U.S. utility under a contract entered into before March 5, 1992, having fixed price terms, and having been submitted for approval by the Department;

(3) Sale or delivery to any entity outside the United States, including the shipment of such uranium products to Tajikistan where permissible;

(4) Sales to any entity in the United States at a price at or above $13 per lb. $U_3O_8$ equivalent.

*V. Export License/Certificates*

A. The Government of Tajikistan will provide export licenses and certificates for all direct or indirect exports to the United States from Tajikistan of the merchandise covered by this Agreement. Such export licenses and certificates will be issued in a manner determined by the Government of Tajikistan, in accordance with laws of Tajikistan and this Agreement, and will ensure that established export limits are not exceeded.

The Government of Tajikistan shall take action, including the imposition of penalties, as may be necessary to make effective the obligations resulting from the export licenses and certificates. The Government of Tajikistan will inform the Department of any violations concerning the export licenses and/or certificates which come to its attention and the action taken with respect thereto.

The Department will inform the Government of Tajikistan of violations concerning the export licenses and/or certificates which come to its attention and the action taken with respect thereto.

B. Export licenses shall be issued and export certificates shall be endorsed by the Government of Tajikistan for all direct or indirect exports to the United States of the merchandise subject to this Agreement in quantities no greater than the number of pounds $U_3O_8$ equivalent and the number of kilograms of uranium (Kg U) specified by the Department under section IV.C for each period. The formulas for converting uranium in its various forms to pounds $U_3O_8$ equivalent are set forth in section II of this Agreement.

C. Export licenses will be issued and export certificates will be endorsed against the export limits for the Relevant Periods.

Export certificates for the Relevant Periods may be used as early as August 1 of the previous Relevant Period within a limit of 15 percent of the export limit for the previous Relevant Period.

Export certificates issued for each Relevant Period may not be used after September 30 for each subsequent Relevant Period, except that certificates not so used may be used during the first three months of the respective following period, up to a maximum of 15 percent of the export limit for the current period.

D. The Government of Tajikistan will require that all exports of the merchandise subject to this Agreement shall be accompanied by a certificate (form to be agreed). The certificate shall be endorsed pursuant to a license and issued no earlier than one month before the day, month, and year on which the merchandise is accepted by a transportation company, as indicated in the bill-of-lading or a comparable

transportation document, for export. The certificate will also indicate the customer, the complete description of the product exported, country of origin of the uranium ore, and quantity expressed in the original units and kilograms $U_3O_8$ equivalent. If any of this information is in a language other than English, the certificate must also contain an English language translation of this information and a conversion to pounds $U_3O_8$ equivalent.

E. The United States shall require presentation of such certificates as a condition for entry into the United States of the covered products of the merchandise subject to this Agreement on or after the effective date of this Agreement. The United States will prohibit the entry of such products not accompanied by such a certificate, except as provided in Section IV.D. and IV.H. of this Agreement.

*VI. Implementation*

In order to effectively restrict the volume of exports of uranium to the United States, the Government of Tajikistan agrees to implement the following procedures no later than within 90 days of the effective date of this Agreement:

A. Establish an export licensing and certification program for all exports of uranium from Tajikistan to, or destined directly or indirectly for consumption in, the United States.

B. Ensure compliance by all Tajikistan producers, exporters, brokers, traders, users, and/or related parties of such uranium with all procedures established in order to effectuate this Agreement.

C. Collect information from all Tajikistan producers, exporters, brokers, traders, users, and/or related parties of such on the production and sale of uranium.

D. Require that purchasers agree not to circumvent this Agreement, report to the Government of Tajikistan subsequent arrangements entered into for the sale, exchange, or loan to the United States of uranium purchased from Tajikistan, and include these same provisions in any subsequent contracts involving uranium purchased from Tajikistan.

*VII. Anticircumvention*

A. The Government of Tajikistan will take all appropriate measures under Tajikistan law to prevent circumvention of this Agreement. It will not enter into any arrangement for the purpose of circumventing the export limits in Section IV of this Agreement. It will require that purchasers agree not to circumvent this Agreement. It will require that all purchasers report to the Government of Tajikistan subsequent arrangements entered into for the sale, exchange or loan to the United States of uranium purchased from Tajikistan. It will also require that all purchasers include the same provisions in any subsequent contracts involving uranium purchased from Tajikistan.

B. In addition to the reporting requirements of Section VIII of this suspension agreement, the Government of Tajikistan will share within 15 days of any request from the U.S. Department of Commerce all particulars regarding initial and subsequent arrangements of uranium between Tajikistan and any party regardless of the original intended destination.

C. The Department of Commerce will accept comments from all parties for fifteen days after the receipt of information requested under paragraph B of this section. The Department will determine within 45 days of the date of the information request under paragraph B whether subject arrangements circumvent the export limits of this agreement.

D. In addition to the above requirements, the Department shall direct the U.S. Customs Service to require all importers of uranium into the United States, regardless of stated country of origin, to submit at the time of entry a written statement certifying that the uranium being imported was not obtained under any arrangement, swap, or other exchange designed to circumvent the export limits for uranium of Tajikistan origin established by this Agreement. Where there is reason to believe that such a certification has been made falsely, the Department will refer the matter to Customs or the Department of Justice for further action.

E. The Department of Commerce and the Government of Tajikistan will consult regarding any arrangement determined by the Department of Commerce to constitute circumvention of this Agreement. If the Department determines that Tajikistan and its related parties did not actively participate in the arrangement, the Department will request consultations with Tajikistan to resolve the problem. If the problem has not been resolved to the mutual satisfaction of both the United States and Tajikistan, the volume of the uranium product involved in the circumvention may be counted against the export limit in effect at such time. If the Department determines that Tajikistan actively participated in the arrangement, the volume of such arrangement will be deducted from the export limits for Tajikistan.

F. If the Department of Commerce or the Government of Tajikistan determines that any uranium has been intentionally exported to the United States without the required export certificates, the Government of Tajikistan shall: (1) Thereafter prohibit any Tajikistan producer, exporter, broker, trader, user, and/or related party from supplying uranium to the customer responsible for such circumvention; (2) impose other penalties as allowed by law; and/or (3) take other actions to prevent such circumvention in the future.

G. Given the fungibility of the world uranium market, the Department of Commerce will take into account the following factors in distinguishing normal uranium market arrangement, swaps, or other exchanges from arrangements, swaps, or other exchanges which may be intentionally designed to circumvent the export limits of this suspension agreement:

1. Existence of any verbal or written arrangements which may be designed to circumvent the export limits;

2. Existence of any arrangement as defined in Section IV.F. that was not reported to the Department pursuant to Section VIII.A.;

3. Existence and function of any subsidiaries or affiliates of the parties involved;

4. Existence and function of any historical and/or traditional trading patterns among the parties involved;

5. Deviations (and reasons for deviation) from the above patterns, including physical conditions of relevant uranium facilities;

6. Existence of any payments unaccounted for by previous or subsequent deliveries, or any payments to one party for merchandise delivered or swapped by another party;

7. Sequence and timing of the arrangements;

8. Any other information relevant to the transaction or circumstances.

H. "Swaps" include, but are not limited to:

*Ownership swaps*—involve the exchange of ownership of any type of uranium product(s), without physical transfer. These may include exchange of ownership of uranium products in different countries, so that the parties obtain ownership of products located in different countries; or exchange of ownership of uranium products produced in different countries, so that the parties obtain ownership of products of different national origin.

*Flag swaps*—involve the exchange of indicia of national origin of uranium products, without any exchange of ownership.

*Displacement swaps*—involve the sale or delivery of any type of uranium product(s) from Tajikistan to an intermediary country (or countries) which can be shown to have resulted in the ultimate delivery or sale into the United States of displaced uranium products of any type, regardless of the sequence of the transactions.

I. The Department will enter its determinations regarding circumvention into the record of the suspension agreement.

*VIII. Monitoring*

The Government of Tajikistan will provide to the Department such information as is necessary and appropriate to monitor the implementation of and compliance with the terms of this Agreement. Notwithstanding the above, in cases where information cannot be provided by reason of national security, it is understood that the Department of Commerce will make a determination as to what is reasonable alternative information.

The Department of Commerce shall provide semi-annual reports to the Government of Tajikistan indicating the volume of imports of the subject merchandise to the United States, together with such additional information as is necessary and appropriate to monitor the implementation of this Agreement.

A. Reporting of Data

Beginning on the effective date of this Agreement, the Government of Tajikistan shall collect and provide to the Department the information set forth in the agreed format in Appendix B. All such information will be provided to the Department on a semi-annual basis on March 1 and September 1 of each calendar year, or upon request. Such information will be subject to the verification provision identified in section VIII.C of this Agreement.

The Department may disregard any information submitted after the deadlines set forth in this section or any information which it is unable to verify to its satisfaction.

Both governments recognize that the effective monitoring of this Agreement may require that the Government of Tajikistan provide information additional to that which is identified above. Accordingly, the Department may establish additional reporting requirements, as appropriate, during the course of this Agreement. The Department shall provide notice to the Government of Tajikistan of any additional reporting requirements no later than 45 days prior to the period covered by such reporting requirements unless a shorter notice period is mutually agreed.

B. Other Sources for Monitoring

The Department will review publicly-available data as well as Customs Form 7501, entry summaries, and other official import data from the Bureau of the Census, on a monthly basis, to determine whether there have been imports that are inconsistent with the provisions of this Agreement.

The Department will monitor Bureau of the Census IM-115 computerized records, which include the quantity and value of each entry. Because these records do not provide other specific entry information, such as the identity of the producer/exporter which may be responsible for such sales, the Department may request the U.S. Customs Service to provide such information. The Department may request other additional documentation from the U.S. Customs Service.

The Department may also request the U.S. Customs Service to direct ports of entry to forward an Antidumping Report of Importations for entries of the subject merchandise during the period this Agreement is in effect.

C. Verification

The Government of Tajikistan agrees to permit full verification of all information related to the administration of this Agreement, on an annual basis or more frequently, as the Department deems necessary to ensure that Tajikistan is in full compliance with the terms of the Agreement.

*IX. Disclosure and Comment*

A. The Department shall make available to representatives of each party to the proceeding, under appropriately-drawn administrative protective orders consistent with the Department's Regulations, business proprietary information submitted to the Department semi-annually or upon request, and in any administrative review of this Agreement.

B. Not later than 30 days after the date of disclosure under paragraph VIII. A., the parties to the proceeding may submit written comments to the Department, not to exceed 30 pages.

C. During the anniversary month of this Agreement, each party to the proceeding may request a hearing on issues raised during the preceding Relevant Period. If such a hearing is requested, it will be conducted in accordance with section 751 of the Act (19 U.S.C. 1675) and applicable regulations.

*X. Consultations*

A. The Government of Tajikistan and the Department shall hold consultations regarding matters concerning the implementation, operation, or enforcement of this Agreement. Such consultations will be held each year during the anniversary month of this Agreement, except that in the twelve months following the signing of the Agreement, consultations will be held semi-annually. Additionally consultations may be held at any other time upon request of either the Government of Tajikistan or the Department. Emergency consultations may be held in accordance with section XI.A.

B. If either the Government of Tajikistan or the Department discovers that substantial quantities of enriched uranium product(s) not subject to this Agreement and produced from Tajikistan ore are being exported to the United States, the Government of Tajikistan and the Department will promptly enter into consultations to ensure that such exports to the United States are not undermining the Agreement.

C. If, for reasons unrelated to sales of Tajikistan uranium, the market price of uranium products remains below U.S. $13 per pound $U_3O_8$ equivalent for three consecutive observation periods after January 1, 1993, the Government of Tajikistan and the Department will promptly enter into consultations in order to review the market situation and consider adjustments to the quota.

D. If, at any time during the life of this Agreement, Tajikistan chooses to re-open any of its uranium mines and begin production of uranium, or the Government of Tajikistan can demonstrate that it holds any inventories of uranium previously mined in Tajikistan, the Government of Tajikistan and the Department will hold consultations to discuss whether any adjustment should be made to this Agreement, and the Department will conduct an appropriate review to permit a decision on whether to establish a quota for Tajikistan and, if so, at what level of imports.

*XI. Violations of the Agreement*

A. Violation

"Violation" means noncompliance with the terms of this Agreement caused by an act or omission by the Government of Tajikistan except, at the discretion of the Secretary, an act or omission which is inadvertent or inconsequential.

The Government of Tajikistan will inform the Department of any violations which come to its attention and the action taken with respect thereto.

Imports in excess of the export limits set out in this Agreement shall not be considered a violation of this Agreement or an indication the Agreement no longer meets the requirements of section 734(l) of the Act, where such imports are minimal in volume, are the result of technical shipping circumstances, and are applied against the export limits of the following year. Technical shipping circumstances that would result in a minimal volume of imports in excess of the export limits are, for example, those where the shipment of a full drum is required for safety factors and such amount is beyond the existing export limit.

Prior to making a determination of an alleged violation, the Department will engage in emergency consultations. Such consultations shall begin no later than 14 days from the day of request and shall provide for full review, but in no event will exceed 30 days. After consultations, the Department will provide the Government of Tajikistan 10 days within which to provide comments. The Department will make a determination within 20 days.

B. Appropriate Action

If the Department determines that this Agreement is being or has been violated, the Department will take such action as it determines is appropriate under section 734(i) of the Act and 353.19 of the Department's Regulations.

*XII. Duration*

In consideration of the role of long-term contracts in the uranium market, the export limits provided for in Section IV of this Agreement shall remain in force from the effective date of this Agreement through October 15, 2000. Thereafter, the volume of exports to the United States of uranium products from Tajikistan shall not be limited by the export limitations provided for in Section IV of this Agreement. For the period October 16, 2000, through October 15, 2002, both the Government of Tajikistan and the Department will pay particular attention to the requirements for monitoring by the Government of Tajikistan and the Department, as provided in Sections VI and VIII of this Agreement. Should such monitoring indicate that, in the absence of the export limits provided for in Section IV, this Agreement no longer prevents the suppression or undercutting of price levels of domestic products by imports of uranium products from Tajikistan, as identified and discussed during consultations, the export limits set forth in Section IV may be reinstated within 30 days after completion of the consultations. If it is determined in subsequent consultations that the conditions that led to the reinstatement of the export limits provided for in Section IV no longer exist, such export limits shall not remain in force and the monitoring specified above shall resume.

The Department will, upon receiving a proper request no later than October 31, 2001, conduct an administrative review under section 751 of the Act. The Department expects to terminate this Agreement and the underlying investigation no later than October 15, 2002, as long as Tajikistan has not been found to have violated the Agreement in any substantive manner. Such review and termination shall be conducted consistent with § 353.25 of the Department's regulations.

The Government of Tajikistan may terminate this Agreement at any time upon notice to the Department. Termination shall be effective 60 days after such notice is given to the Department. Upon termination at the request of the Government of Tajikistan, the provisions of Section 734 of the Act shall apply.

If the Department has determined that a sufficient amount of time has elapsed, the Department will follow the provisions of Sections XIII.B. and XIII.C. of this Agreement.

*XIII. Conditions*

During the underlying investigation, the Department determined that Tajikistan is a non-market economy country. Because the two governments share an interest in promoting the transformation of Tajikistan into a market economy, the Department recognizes that it may determine during the life of this Agreement that the Tajikistan uranium industry is a market-oriented-industry, or that Tajikistan is a market economy country. In either event, the Department may:

(a) Enter into a new suspension agreement under Section 734(b) or 734(c) of the Act; or

(b) If the investigation was not completed under § 353.18(i) of the Department's regulations, afford the Government of Tajikistan a full opportunity to submit new information, and take such information into account in reaching its final determination; or

(c) If the investigation was completed under § 353.18(i), consider a request made no later than 30 days after termination of the Agreement to conduct a changed circumstances review under section 751(b).

*XIV. Other Provisions*

A. In entering into this Agreement, the Government of Tajikistan does not admit that any sales of the merchandise subject to this Agreement have been made at less than fair value or that such sales have materially injured, or threatened material injury to, an industry or industries in the United States.

B. For all purposes hereunder, the Department and the signatory Government shall be represented by, and all communications and notices shall be given and addressed to:

*Department of Commerce Contact*

United States Department of Commerce, Assistant Secretary for Import Administration, International Trade Administration, Washington, DC 20230.

*Government of Tajikistan Contact*

(to be filled)

*XV. Effective Date*

The effective date of this Agreement suspending the antidumping investigation on uranium from Tajikistan: October 16, 1992.

Signed on this sixteenth day of October 1992.

For the Government of Tajikistan.

Peter Suchman.

Yuri V. Nesperoz,

*General Director, Eastern Combine of Rare Metals.*

For U.S. Department of Commerce.

Alan M. Dunn,

*Assistant Secretary for Import Administration.*

APPENDIX A: TAJIKISTAN

| Price level | Quota in Millions of pounds $U_3O_8$ |
|---|---|
| $13.00–13.99 | |
| $14.00–14.99 | |
| $15.00–15.99 | |
| $16.00–16.99 | |
| $17.00–17.99 | |
| $18.00–18.99 | |
| $19.00–19.99 | |
| $20.00–20.99 | |
| $21.00 and up | |

NOTE 1: Price is measured in U.S. $/lbs. and is an observed price in the U.S. market as defined in the suspension agreement and reviewed every six months for adjustment.

NOTE 2: Quota levels are expressed in millions of pounds of $U_3O_8$ equivalent as converted by the conversion formulae outlined in the suspension agreement.

**Appendix B**

In accordance with the established format, the Government of Tajikistan shall collect and provide to the

Department all information necessary to ensure compliance with this Agreement.

The Government of Tajikistan will collect and maintain sales data to the United States, in the home market, and to countries other than the United States, on a continuous basis and provide the prescribed information to the Department on March 1, 1993 or upon request, for the period beginning on the effective date of this Agreement and ending January 31, 1993. For the period beginning February 1, 1993, and ending July 31, 1993, the Government of Tajikistan will provide the prescribed information on September 1, 1993 or upon request.

All subsequent information for the periods February 1 through July 31, and August 1 through January 31, will be provided to the Department on a semi-annual basis on March 1 and September 1 respectively of each subsequent calendar year, or upon request.

The Government of Tajikistan will provide a narrative explanation to substantiate all data collected in accordance with the following formats.

*Report of Inventories*

Report, by location, the inventories held by Tajikistan in the United States and imported into the United States between the period beginning March 5, 1992, through the effective date of the Agreement.

1. Quantity: Indicate original units of measure (*e.g.*, pounds $U_3O_8$, Kilograms U, etc.) and in pounds $U_3O_8$ equivalent.
2. Location: Identify where the inventory is currently being held. Provide the name and address for the location.
3. Titled Party: Name and address of party who legally has title to the merchandise.
4. License Number(s): Indicate the number(s) relating to each entry now being held in inventory.
5. Certificate Number(s): Indicate the number(s) relating to each entry now being held in inventory.
6. Date of Original Export: Date the export certificate is endorsed.
7. Date of Entry: Date the merchandise entered the United States or the date book transfer took place.
8. Original Importer: Name and address.
9. Original Exporter: Name and address.
10. Complete Description of Merchandise: Include lot numbers and other available identifying information.

*United States Sales*

1. License Number(s): Indicate the number(s) relating to each sale and/or entry.
2. Certificate Number(s): Indicate the number(s) relating to each sale and/or entry.
3. Complete description of Merchandise: Include lot numbers and other available identifying of documentation.
4. Quantity: Indicate units of measure sold and/or entered, *e.g.*, pounds $U_3O_8$, Kilograms U, etc.
5. Total Sales Value: Indicate currency used.
6. Unit Price: Indicate currency used.
7. Date of Sale: The date all terms of order are confirmed.
8. Sales Order Number(s): Indicate the number(s) relating to each sale and/or entry.
9. Date of Export: Date the export certificate is endorsed.
10. Date of Entry: Date the merchandise entered the United States or the date book transfer took place.
11. Importer of Record: Name and address.
12. Customer: Name and address.
13. Customer Relationship: Indicate whether related or unrelated.
14. Final Destination: Name and address of location for consumption in the United States.
15. Other: *i.e.*, used as collateral, will be re-exported, etc.

*Home Market Sales*

1. Sales Order Number(s): Indicate the number(s) relating to each sale.
2. Quantity: Indicate units of measure sold, *e.g.*, pounds $U_3O_8$, Kilograms U, etc.
3. Date of Sale: Date all terms of order are confirmed.
4. Delivery Date: Date the merchandise was delivered to the customer.
5. Customer: Name and address.
6. Customer Relationship: Indicate whether related or unrelated.

*Sales Other Than United States*

1. License Number(s): Indicate the number(s) relating to each sale and/or entry.
2. Certificate Number(s): Indicate the number(s) relating to each sale and/or entry.
3. Quantity: Indicate units of measure sold and/or entered, *e.g.*, pounds $U_3O_8$, Kilograms U, etc.
4. Date of Sale: The date all terms of order are confirmed.
5. Sales Order Number(s): Indicate the number(s) relating to each sale and/or entry.
6. Date of Export: Date the export certificate is endorsed.
7. Date of Entry: Date the merchandise entered the United States or the date a book transfer took place.
8. Importer of Record: Name and address.
9. Customer: Name and address.
10. Customer Relationship: Indicate whether related or unrelated.
11. Final Destination: Name and address of location for consumption.
12. Other: *i.e.*, used as collateral, will be re-exported, etc.

**Appendix C**

**Note:** Appendix C to this Agreement does not exist.

**Agreement Suspending the Antidumping Investigation on Uranium From Ukraine**

For the purpose of encouraging free and fair trade in uranium products for peaceful purposes, establishing more normal market relations, and recognizing that this Agreement is necessary for the protection of the essential security interests of the United States and Ukraine, pursuant to the provisions of section 734 of the Tariff Act of 1930, as amended (19 U.S.C. 1673c) (the "Act"), the United States Department of Commerce ("the Department") and the Government of Ukraine enter into this suspension agreement ("the Agreement").

The Department finds that this Agreement is in the public interest; that effective monitoring of this Agreement by the United States is practicable; and that this Agreement will prevent the suppression or undercutting of price levels of United States domestic uranium products by imports of the merchandise subject to this Agreement.

On the basis of this suspension agreement, the Department shall suspend its antidumping investigation with respect to uranium from Ukraine, subject to the terms and provisions set forth below. Further, the Department will instruct the U.S. Customs Service to terminate the suspension of liquidation and to release any cash deposit or bond posted on the products covered by this Agreement as of the effective date of this Agreement.

*I. Basis for the Agreement*

In order to prevent the suppression or undercutting of price levels of United States domestic uranium, the Government of Ukraine will restrict the volume of direct or indirect exports to the United States of uranium products from all producers/exporters of uranium products in Ukraine subject to the terms and provisions set forth below.

*II. Definitions*

For purposes of this Agreement, the following definitions apply:

(a) Pounds $U_3O_8$ equivalents are calculated using the following formulas:

• Measured uranium (U) content is converted to $U_3O_8$ by multiplying U by 1.17925.

• $U_3O_8$ is converted to U content by multiplying by 0.84799.

• 1 Kg $U_3O_8$ = 2.20462 lbs. $U_3O_8$.

• 1 Kg U in $UF_6$ = 2.61283 lbs. $U_3O_8$ equivalent.

• 1 Kg U in $U_3O_8$ = 2.59982 lbs. $U_3O_8$ equivalent.

(b) Date of Export for imports into the United States accompanied by an export certificate of the merchandise subject to this Agreement shall be considered the date the export certificate was endorsed.

(c) Parties to the Proceeding—means any interested party, within the meaning of § 353.2(k) of the Department's regulations, which actively participates through written submissions of factual information or written argument.

(d) Indirect Exports—means arrangements as defined in section IV.F. of this Agreement and exports from Ukraine through one or more third countries, whether or not such export is sold in one or more third country prior to importation into the United States.

*III. Product Coverage*

The merchandise covered by this Agreement are the following products from Ukraine:

Natural uranium in the form of uranium ores and concentrates; natural uranium metal and natural uranium compounds; alloys, dispersions (including cermets), ceramic products and mixtures containing natural uranium or natural uranium compounds; uranium enriched in $U^{235}$ and its compounds; alloys, dispersions (including cermets), ceramic products, and mixtures containing uranium enriched in $U^{235}$ or compounds of uranium enriched in $U^{235}$; and any other forms of uranium within the same class or kind.

Uranium ore from Ukraine milled into $U_3O_8$ and/or converted into $UF_6$ in another country prior to direct and/or indirect importation into the United States is considered uranium from Ukraine and is subject to the terms of this Agreement.

For purposes of this Agreement, uranium enriched in $U^{235}$ in another country prior to direct and/or indirect importation into the United States is not considered uranium from Ukraine and is not subject to the terms of this Agreement.

Imports of uranium ores and concentrates, natural uranium compounds, and all forms of enriched uraniums are currently classifiable under Harmonized Tariff Schedule ("HTS") subheadings: 2612.10.00, 2844.10.20, 2844.20.00, respectively. Imports of natural uranium metal and forms of natural uranium other than compounds are currently classifiable under HTS subheadings: 2844.10.10 and 2844.10.50. HTS subheadings are provided for convenience and customs purposes. The written description of the scope of these proceedings is dispositive.

*IV. Export Limits*

A. The Government of Ukraine will restrict the volume of direct or indirect exports on or after the effective date of this Agreement to the United States and the transfer or withdrawal from inventory (consistent with the provisions of paragraph E) of the merchandise subject to this Agreement in accordance with the export limits and schedule set forth in Appendix A.

Export limits are expressed in terms of pounds $U_3O_8$ equivalent and kilograms uranium (Kg U).

Export limits are applied on the basis of "Date of Export", as defined in section II.

For purposes of this Agreement, United States shall comprise the customs territory of the United States of America (the 50 States, the District of Columbia and Puerto Rico) and foreign trade zones located in the territory of the United States of America.

B. The export limits of this Agreement shall be effective for the periods October 1 through September 30 (the "Relevant Period").

C.1. For purposes of determining the applicable quota level, the Department will determine the market price. In determining the market price for purposes of establishing the quota level, the Department will use price information in terms of U.S. dollars per pound $U_3O_8$ obtained from the following sources:

*Spot Market Price:* The Uranium Price Information System Spot Price (UPIS SPI) and the Uranium Exchange Spot Price (Ux Spot). The Department will calculate a simple average of the monthly values as expressed by these two sources to determine the Spot Price.

*Long-term Contract Price:* The simple average of the UPIS Base Price and long-term price as determined by the Department on the basis of information provided to the Department by market participants. In determining the long-term price on the basis of information provided to the Department, the Department will use only such information submitted to which the submitter agrees to permit verification.

All information from the identified sources will be subject to review by the Department on the basis of information available from other sources. Furthermore, during the life of the Agreement, the Department can, as appropriate, select alternative sources to use in determining the market price. Should the Department determine that any or all of the identified sources are no longer appropriate, the Department will give parties at least 30 days' notice of its decision.

This determination will be made semi-annually. The Department will announce the market price and corresponding quota level on October 1 and April 1 of each year, except as provided below with respect to the first period.

With respect to the first period, which begins on the effective date of this Agreement and ends on March 31, 1993, the Department will determine a market price no later than October 30, 1992. The quota level corresponding to this price will apply to covered exports through March 31, 1993.

In determining the market price the Department will rely on price information from the identified sources covering the previous six-month period for which prices are available. For example, on October 1, the Department will announce the market price as determined by review of price information relating to the period March 1 through September 1. On April 1, the Department will announce the market price as determined by review of price information relating to the period September 1 through March 1. However, for the first period (October 16, 1992 through March 31, 1993) the Department will utilize price information relating to the period April 1, 1992 through September 30, 1992. For the period beginning on April 1, 1993, the Department will utilize price information relating to the period October 16, 1992 through March 1, 1993.

The quota level announced on October 1 will be equal to one-half of the annualized quota, as expressed in Appendix A, for the corresponding market price. The announced quota level will be the volume, in terms of pounds $U_3O_8$ equivalent, that may be exported to the United States in any form from Ukraine during the six month period beginning on October 1 and ending on the following March 31.

The quota level announced on April 1 will be equal to one-half of the annualized quota, as expressed in Appendix A, for the corresponding market price. The announced quota level will be the volume, in terms of pounds $U_3O_8$ equivalent, that may be exported to the United States in any form from Ukraine during the six month

period beginning on April 1 and ending on the following September 30.

2. Except as provided in paragraph 3 below, multi-year contracts entered into after the effective date of this Agreement may not provide for annual deliveries in excess of the quota allowed under the Agreement as the date of contract. If such multi-year contracts specify a price at or above the minimum price in the Appendix A price band then in effect on the date the contract is entered into, annual deliveries under such contracts will be applied against the annual quotas in effect at the time of delivery, but may in the full amount for the full term of the contract even if they exceed annual quotas in effect at the time of delivery.

3. Notwithstanding paragraph 2, multi-year contracts entered into after the effective date of this Agreement may provide for annual deliveries in excess of the quota allowed under the Agreement as of the date of contract endorsement, provided that they are conditioned upon the necessary additional quota being available at the time of delivery. However, annual deliveries under such conditional contracts shall be strictly subject to the annual quotas in effect at the time of delivery.

D. For the first 90 days after the effective date of this Agreement, products exported from Ukraine shall be admitted to the United States without an export license and certificate issued by the Government of Ukraine specifically for export to the United States after the date of this Agreement only upon notification to the Department by the individual who signed this Agreement or by his or her designated successor.

The volume of such imports will be counted towards the export limit for the covered products for the first period.

The volume of such imports shall be determined in terms of pounds $U_3O_8$ equivalent and kilograms uranium (Kg U) on the basis of U.S. import invoice data. This data will be sorted on the basis of date of export.

E. Any inventories of Ukrainian-origin uranium, currently held by Ukraine in the United States and imported into the United States between the period beginning on or after March 5, 1992 (the date corresponding to the Department's critical circumstances determination) through the effective date of this Agreement will be subject to the following conditions:

Such inventories will not be transferred or withdrawn from inventory for consumption in the United States without an export license and certificate issued by the Government of Ukraine. A request for a license and certificate under this provision shall be accompanied by a report specifying the original date of export, the date of entry into the United States, the identity of the original exporter and importer, the customer, a complete description of the product (including lot numbers and other available identifying documentation), and the quantity expressed in original units and in pounds of $U_3O_8$ equivalent.

Any amounts authorized by Ukraine's issuing an export certificate under this provision shall be counted toward the export limit for the covered products for the period during which the license and certificate were issued for the product that is transferred or withdrawn. The volume shall be determined on the basis of kilograms and pounds $U_3O_8$ equivalent authorized by the Government of Ukraine as set forth in the license certificate.

In the event that there is a surge of sales of Ukrainian-origin uranium from such inventory currently held in the United States, the Department will decrease the export limits to take into account such sales.

F. Any arrangement involving the exchange, sale, or delivery of uranium products from Ukraine will be counted towards export limits under this Agreement to the degree it can be shown to have resulted in the sale or delivery in the United States of uranium products from a country other than Ukraine.

G. Where covered products are imported into the United States and are subsequently re-exported or further processed and re-exported, the export limits for the entered product shall be increased by the amount of pounds $U_3O_8$ equivalent re-exported. This increase will be applicable to the Relevant Period corresponding to the time of such re-export. This increase will be applied only after presentation to the Department and opportunity for verification of such evidence demonstrating original importation, any further processing, and subsequent exportation.

H. For purposes of permitting processing in the United States of uranium products from Ukraine, the Government of Ukraine may issue re-export certificates for import into the United States of Ukrainian uranium products only where such imports to the United States are not for sale or ultimate consumption in the United States and where re-exports will take place within 12 months of entry into the United States. In no event shall an export certificate be endorsed by the Government of Ukraine for uranium products previously imported into the United States under such re-export certificate. Such re-export certificates will in no event be issued in amounts greater than one million pounds $U_3O_8$ equivalent per re-export certificate and in no case shall the total volume of uranium products from Ukraine covered by re-export certificates exceed three million pounds $U_3O_8$ equivalent at any one time.

The importer of record must certify on the import certificate that it will ensure re-exportation within 12 months of entry into the United States. If uranium products from Ukraine are not re-exported within 12 months of the date of entry into the United States, the Department will refer the matter to Customs or the Department of Justice for further action and the United States will promptly notify the Government of Ukraine and the two governments shall enter into consultations. If the uranium products are not re-exported within 3 months of the referral to Customs or the Department of Justice and the problem has not been resolved to the mutual satisfaction of both the United States and Ukraine, the volume of the uranium product entered pursuant to the re-export certificate may be counted against the export limit in effect at such time, or, if there is insufficient quota, the first available quota. This volume may be restored to the export limit if the product is subsequently re-exported.

I. Export limits established for any of the identified periods may not be used after September 30 of the corresponding Relevant Period, except that limits not so used may be used during the first three months of the respective following period up to a maximum of 20 percent of the export limit for the current Relevant Period.

Export limits for the Relevant Periods may be used as early as August 1 of the previous period within the limit of 15 percent of the export limit for the previous Relevant Period.

J. The Department shall provide fair and equitable treatment for Ukraine vis-a-vis other countries that export uranium to the United States, taking into account all relevant factual and legal considerations, including the antidumping laws of the United States.

K. Importation of uranium products from Ukraine during each Relevant Period pursuant to certain pre-existing contracts entered into before March 5, 1992 with a U.S. utility will be permitted so long as the Department has received a valid copy of such pre-existing contracts and has reviewed each to determine whether importation of the uranium product under the terms of the contract is consistent with the purposes

of this Agreement. The contracts which have been approved will be identified in proprietary Appendix C to this Agreement. For contracts approved by the Department, nothing in this Section shall in any way restrict sales of Ukrainian-origin uranium pursuant to transactions which do not involve delivery or transfer of uranium products to the seller, or the seller's account. However, any uranium products delivered or returned to the seller or the seller's account pursuant to such contract, shall be subject to the conditions specified below:

Upon reporting to the Department, the seller may dispose of any uranium products delivered to the seller or the seller's account under such pre-existing contract, through:

(1) Sales of the U.S. government or any agency thereof or any contractor acting on behalf of the U.S. government so long as such agency or contractor will use or consume the feed in a market-neutral manner;

(2) Sales to a U.S. utility under a contract entered into before March 5, 1992, having fixed price terms, and having been submitted for approval by the Department;

(3) Sale or delivery to any entity outside the United States, including the shipment of such uranium products to Ukraine where permissible;

(4) Sales to any entity in the United States at a price at or above $13 per lb. $U_3O_8$ equivalent.

*V. Export License/Certificates*

A. The Government of Ukraine will provide export licenses and certificates for all direct or indirect exports to the United States from Ukraine of the merchandise covered by this Agreement. Such export licenses and certificates will be issued in a manner determined by the Government of Ukraine, in accordance with Ukrainian laws, and this Agreement, and will ensure that established export limits are not exceeded.

The Government of Ukraine shall take action, including the imposition of penalties, as may be necessary to make effective the obligations resulting from the export licenses and certificates. The Government of Ukraine will inform the Department of any violations concerning the export licenses and/or certificates which come to its attention and the action taken with respect thereto.

The Department will inform the Government of Ukraine of violations concerning the export licenses and/or certificates which come to its attention and the action taken with respect thereto

B. Export licenses shall be issued and export certificates shall be endorsed by the Government of Ukraine for all direct or indirect exports to the United States of the merchandise subject to this Agreement in quantities no greater than the number of pounds $U_3O_8$ equivalent and the number of kilograms of uranium (Kg U) specified by the Department under section IV.C. for each period. The formulas for converting uranium in its various forms to pounds $U_3O_8$ equivalent are set forth in section II of this Agreement.

C. Export licenses will be issued and export certificates will be endorsed against the export limits for the Relevant Periods.

Export certificates for the Relevant Periods may be used as early as August 1 of the previous Relevant Period within a limit of 15 percent of the export limit for the previous Relevant Period.

Export certificates issued for each Relevant Period may not be used after September 30 for each subsequent Relevant Period, except that certificates not so used may be used during the first three months of the respective following period, up to a maximum of 15 percent of the export limit for the current period.

D. The Government of Ukraine will require that all exports of the merchandise subject to this Agreement shall be accompanied by a certificate (form to be agreed). The certificate shall be endorsed pursuant to a license and issued no earlier than one month before the day, month, and year on which the merchandise is accepted by a transportation company, as indicated in the bill-of-lading or a comparable transportation document, for export. The certificate will also indicate the customer, the complete description of the product exported, country of origin of the uranium ore, and quantity expressed in the original units and kilograms $U_3O_8$ equivalent. If any of this information is in a language other than English, the certificate must also contain an English language translation of this information and a conversion to pounds $U_3O_8$ equivalent.

E. The United States shall require presentation of such certificates as a condition for entry into the United States of the covered products of the merchandise subject to this Agreement on or after the effective date of this Agreement. The United States will prohibit the entry of such products not accompanied by such a certificate, except as provided in Sections IV.D. and IV.H. of this Agreement.

*VI. Implementation*

In order to effectively restrict the volume of exports of uranium to the United States, the Government of Ukraine agrees to implement the following procedures no later than within 90 days of the effective date of this Agreement:

A. Establish an export licensing and certification program for all exports of uranium from Ukraine to, or destined directly or indirectly for consumption in, the United States.

B. Ensure compliance by all Ukrainian producers, exporters, brokers, traders, users, and/or related parties of such uranium with all procedures established in order to effectuate this Agreement.

C. Collect information from all Ukrainian producers, exporters, brokers, traders, users, and/or related parties of such on the production and sale of uranium.

D. Require that purchasers agree not to circumvent this Agreement, report to the Government of Ukraine subsequent arrangements entered into for the sale, exchange, or loan to the United States of uranium purchased from Ukraine, and include these same provisions in any subsequent contracts involving uranium purchased from Ukraine.

*VII. Anticircumvention*

A. The Government of Ukraine will take all appropriate measures under Ukrainian law to prevent circumvention of this Agreement. It will not enter into any arrangement for the purpose of circumventing the export limits in Section IV of this Agreement. It will require that purchasers agree not to circumvent this Agreement. It will require that all purchasers report to the Government of Ukraine subsequent arrangements entered into for the sale, exchange or loan to the United States of uranium purchased from Ukraine. It will also require that all purchasers include the same provisions in any subsequent contracts involving uranium purchased from Ukraine.

B. In addition to the reporting requirements of Section VIII of this suspension agreement, the Government of Ukraine will share within 15 days of any request from the U.S. Department of Commerce all particulars regarding initial and subsequent arrangements of uranium between Ukraine and any party regardless of the original intended destination.

C. The Department of Commerce will accept comments from all parties for fifteen days after the receipt of information requested under paragraph B of this section. The Department will determine within 45 days of the date of the information request under paragraph B whether subject arrangements

circumvent the export limits of this agreement.

D. In addition to the above requirements, the Department shall direct the U.S. Customs Service to require all importers of uranium into the United States, regardless of stated country of origin, to submit at the time of entry a written statement certifying that the uranium being imported was not obtained under any arrangement, swap, or other exchange designed to circumvent the export limits for uranium of Ukrainian origin established by this Agreement. Where there is reason to believe that such a certification has been made falsely, the Department will refer the matter to Customs or the Department of Justice for further action.

E. The Department of Commerce and the Government of Ukraine will consult regarding any arrangement determined by the Department of Commerce to constitute circumvention of this Agreement. If the Department determines that Ukraine and its related parties did not actively participate in the arrangement, the Department will request consultations with the Government of Ukraine to resolve the problem. If the problem has not been resolved to the mutual satisfaction of both the United States and the Government of Ukraine, the volume of the uranium product involved in the circumvention may be counted against the export limit in effect at such time. If the Department determines that Ukraine actively participated in the arrangement, the volume of such arrangement will be deducted from the export limits for Ukraine.

F. If the Department of Commerce or the Government of Ukraine determines that any uranium has been intentionally exported to the United States without the required export certificates, the Government of Ukraine shall: (1) Thereafter prohibit any Ukrainian producer, exporter, broker, trader, user, and/or related party from supplying uranium to the customer responsible for such circumvention; (2) impose other penalties as allowed by law; and/or (3) take other actions to prevent such circumvention in the future.

G. Given the fungibility of the world uranium market, the Department of Commerce will take into account the following factors in distinguishing normal uranium market arrangements, swaps, or other exchanges from arrangements, swaps, or other exchanges which may be intentionally designed to circumvent the export limits of this suspension agreement:

1. Existence of any verbal or written arrangements which may be designed to circumvent the export limits;

2. Existence of any arrangement as defined in Section IV.F. that was not reported to the Department pursuant to Section VIII.A.;

3. Existence and function of any subsidiaries or affiliates of the parties involved;

4. Existence and function of any historical and/or traditional trading patterns among the parties involved;

5. Deviations (and reasons for deviation) from the above patterns, including physical conditions of relevant uranium facilities;

6. Existence of any payments unaccounted for by previous or subsequent deliveries, or any payments to one party for merchandise delivered or swapped by another party;

7. Sequence and timing of the arrangements;

8. Any other information relevant to the transaction or circumstances.

H. "Swaps" include, but are not limited to:

*Ownership swaps*—involve the exchange of ownership of any type of uranium products(s), without physical transfer. These may include exchange of ownership of uranium products in different countries, so that the parties obtain ownership of products located in different countries; or exchange of ownership of uranium products produced in different countries, so that the parties obtain ownership of products of different national origin.

*Flag swaps*—involve the exchange of indicia of national origin of uranium products, without any exchange of ownership.

*Displacement swaps*—involve the sale or delivery of any type of uranium products(s) from Ukraine to an intermediary country (or countries) which can be shown to have resulted in the ultimate delivery or sale into the United States of displaced uranium products of any type, regardless of the sequence of the transactions.

I. The Department will enter its determinations regarding circumvention into the record of the suspension agreement.

*VIII. Monitoring*

The Government of Ukraine will provide to the Department such information as is necessary and appropriate to monitor the implementation of and compliance with the terms of this Agreement. Notwithstanding the above, in cases where information cannot be provided by reason of national security, it is understood that the Department of Commerce will make a determination as to what is reasonable alternative information.

The Department of Commerce shall provide semi-annual reports to the Government of Ukraine indicating the volume of imports of the subject merchandise to the United States, together with such additional information as is necessary and appropriate to monitor the implementation of this Agreement.

A. Reporting of Data

Beginning on the effective date of this Agreement, the Government of Ukraine shall collect and provide to the Department the information set forth, in the agreed format in Appendix B. All such information will be provided to the Department on a semi-annual basis on March 1 and September 1 of each calendar year, or upon request. Such information will be subject to the verification provision identified in section VIII.C of this Agreement.

The Department may disregard any information submitted after the deadlines set forth in this section or any information which it is unable to verify to its satisfaction.

Both governments recognize that the effective monitoring of this Agreement may require that the Government of Ukraine provide information additional to that which is identified above. Accordingly, the Department may establish additional reporting requirements, as appropriate, during the course of this Agreement. The Department shall provide notice to the Government of Ukraine of any additional reporting requirements no later than 45 days prior to the period covered by such reporting requirements unless a shorter notice period is mutually agreed.

B. Other Sources for Monitoring

The Department will review publicly-available data as well as Customs Form 7501, entry summaries, and other official import data from the Bureau of the Census, on a monthly basis, to determine whether there have been imports that are inconsistent with the provisions of this Agreement.

The Department will monitor Bureau of the Census IM–115 computerized records, which include the quantity and value of each entry. Because these records do not provide other specific entry information, such as the identity of the producer/exporter which may be responsible for such sales, the Department may request the U.S. Customs Service to provide such information. The Department may request other additional documentation from the U.S. Customs Service.

The Department may also request the U.S. Customs Service to direct ports of entry to forward an Antidumping Report of Importations for entries of the subject merchandise during the period this Agreement is in effect.

C. Verification

The Government of Ukraine agrees to permit full verification of all information related to the administration of this Agreement, on an annual basis or more frequently, as the Department deems necessary to ensure that Ukraine is in full compliance with the terms of the Agreement.

*IX. Disclosure and Comment*

A. The Department shall make available to representatives of each party to the proceeding, under appropriately-drawn administrative protective orders consistent with the Department's Regulations, business proprietary information submitted to the Department semi-annually or upon request, and in any administrative review of this Agreement.

B. Not later than 30 days after the date of disclosure under paragraph VIII. A., the parties to the proceeding may submit written comments to the Department, not to exceed 30 pages.

C. During the anniversary month of this Agreement, each party to the proceeding may request a hearing on issues raised during the preceding Relevant Period. If such a hearing is requested, it will be conducted in accordance with section 751 of the Act (19 U.S.C. 1675) and applicable regulations.

*X. Consultations*

A. The Government of Ukraine and the Department shall hold consultations regarding matters concerning the implementation, operation, or enforcement of this Agreement. Such consultations will be held each year during the anniversary month of this Agreement, except that in the twelve months following the signing of the Agreement, consultations will be held semi-annually. Additional consultations may be held at any other time upon request of either the Government of Ukraine or the Department. Emergency consultations may be held in accordance with section XI.A.

B. If either the Government of Ukraine or the Department discovers that substantial quantities of enriched uranium product(s) not subject to this Agreement and produced from Ukrainian ore are being exported to the United States, the Government of Ukraine and the Department will promptly enter into consultations to ensure that such exports to the United States are not undermining this Agreement.

C. If, for reasons unrelated to sales of Ukrainian uranium, the market price of uranium products remains below U.S. $13 per pound $U_3O_8$ equivalent for three consecutive observation periods after January 1, 1993, the Government of Ukraine and the Department will promptly enter into consultations in order to review the market situation and consider adjustments to the quota.

*XI. Violations of the Agreement*

A. Violation

"Violation" means noncompliance with the terms of this Agreement caused by an act or omission by the Government of Ukraine except, at the discretion of the Secretary, an act or omission which is inadvertent or inconsequential.

The Government of Ukraine will inform the Department of any violations which come to its attention and the action taken with respect thereto.

Imports in excess of the export limits set out in this Agreement shall not be considered a violation of this Agreement or an indication the Agreement no longer meets the requirements of section 734(l) of the Act, where such imports are minimal in volume, are the result of technical shipping circumstances, and are applied against the export limits of the following year. Technical shipping circumstances that would result in a minimal volume of imports in excess of the export limits are, for example, those where the shipment of a full drum is required for safety factors and such amount is beyond the existing export limit.

Prior to making a determination of an alleged violation, the Department will engage in emergency consultations. Such consultations shall begin no later than 14 days from the day of request and shall provide for full review, but in no event will exceed 30 days. After consultations, the Department will provide the Government of Ukraine 10 days within which to provide comments. The Department will make a determination within 20 days.

B. Appropriate Action

If the Department determines that this Agreement is being or has been violated, the Department will take such action as it determines is appropriate under section 734(i) of the Act and § 353.19 of the Department's Regulations.

*XII. Duration*

In consideration of the role of long-term contracts in the uranium market, the export limits provided for in Section IV of this Agreement shall remain in force from the effective date of this Agreement through October 15, 2000. Thereafter, the volume of exports to the United States of uranium products from Ukraine shall not be limited by the export limitations provided for in Section IV of this Agreement. For the period October 16, 2000, through October 15, 2002, both the Government of Ukraine and the Department will pay particular attention to the requirements for monitoring by the Government of Ukraine and the Department, as provided in Sections VI and VIII of this Agreement. Should such monitoring indicate that, in the absence of the export limits provided for in Section IV, this Agreement no longer prevents the suppression or undercutting of price levels of domestic products by imports of uranium products from Ukraine, as identified and discussed during consultations, the export limits set forth in Section IV may be reinstated within 30 days after completion of the consultations. If it is determined in subsequent consultations that the conditions that led to the reinstatement of the export limits provided for in Section IV no longer exist, such export limits shall not remain in force and the monitoring specified above shall resume.

The Department will, upon receiving a proper request no later than October 31, 2001, conduct an administrative review under section 751 of the Act. The Department expects to terminate this Agreement and the underlying investigation no later than October 15, 2002 as long as the Government of Ukraine has not been found to have violated the Agreement in any substantive manner. Such review and termination shall be conducted consistent with § 353.25 of the Department's regulations.

The Government of Ukraine may terminate this Agreement at any time upon notice to the Department. Termination shall be effective 60 days after such notice is given to the Department. Upon termination at the request of the Government of Ukraine, the provisions of Section 734 of the Act shall apply.

If the Department has determined that a sufficient amount of time has elapsed, the Department will follow the provisions of Sections XIII.(b) or XIII.(c) of this Agreement.

*XIII. Conditions*

During the underlying investigation, the Department determined that Ukraine is a non-market economy country. Because the two governments share an interest in promoting the transformation of the Government of Ukraine into a market economy, the Department recognizes that it may determine during the life of this Agreement that the Ukrainian uranium industry is a market-oriented-industry, or that the Government of Ukraine is a market economy country. In either event, the Department may:

(a) Enter into a new suspension agreement under Section 734(b) or 734(c) of the Act; or

(b) If the investigation was not completed under § 353.18(i) of the Department's regulations, afford the Government of Ukraine a full opportunity to submit new information, and take such information into account in reaching its final determination; or

(c) If the investigation was completed under § 353.18(i), consider a request made no later than 30 days after termination of the Agreement to conduct a changed circumstances review under section 751(b).

*XIV. Other Provisions*

A. In entering into this Agreement, the Government of Ukraine does not admit that any sales of the merchandise subject to this Agreement have been made at less than fair value of that such sales have materially injured, or threatened material injury to, an industry or industries in the United States.

B. For all purposes hereunder, the Department and the signatory Government shall be represented by, and all communications and notices shall be given and addressed to:

*Department of Commerce Contact*

United States Department of Commerce, Assistant Secretary for Import Administration, International Trade Administration, Washington, DC 20230.

*Government of Ukraine Contact*

Science/Production Enterprise Vostgok.

*XV. Effective Date*

The effective date of this Agreement suspending the antidumping investigation on uranium from Ukraine, October 16, 1992.

Signed on this sixteenth day of October, 1992.

For the Government of Ukraine.

Nikolai Ganza,

*General Director, Scientific/Production Enterprise Vostgok.*

For U.S. Department of Commerce.

Alan M. Dunn,

*Assistant Secretary for Import Administration.*

APPENDIX A: UKRAINE

| Price level | Quota in millions of pounds $U_3O_8$ |
|---|---|
| $13.00–13.99 | 0.4 |
| 14.00–14.99 | 0.4 |
| 15.00–15.99 | 0.5 |
| 16.00–16.99 | 0.5 |
| 17.00–17.99 | 0.7 |
| 18.00–18.99 | 0.7 |
| 19.00–19.99 | 0.9 |
| 20.00–20.99 | 1.0 |
| 21.00 and up | Unlimited $U_3O_8$ |

NOTE 1: Price is measured in U.S. $/lbs. and is an observed price in the U.S. market as defined in the suspension agreement and reviewed every six months for adjustment.

NOTE 2: Quota levels are expressed in millions of pounds of $U_3O_8$ equivalent as converted by the conversion formulae outlined in the suspension agreement.

**Appendix B**

In accordance with the established format, the Government of Ukraine shall collect and provide to the Department all information necessary to ensure compliance with this Agreement. To the extent that domestic purchasers are precluded from exporting uranium by national law, sales to such purchasers need not be reported. If such national law is changed so that exports by domestic purchasers is permitted, sales to domestic purchasers will be reported.

The Government of Ukraine will collect and maintain sales data to the United States, in the home market, and to countries other than the United States, on a continuous basis and provide the prescribed information to the Department on March 1, 1993 or upon request, for the period beginning on the effective date of this Agreement and ending January 31, 1993. For the period beginning February 1, 1993, and ending July 31, 1993, the Government of Ukraine will provide the prescribed information on September 1, 1993 or upon request.

All subsequent information for the periods February 1 through July 31, and August 1 through January 31, will be provided to the Department on a semi-annual basis on March 1 and September 1 respectively of each subsequent calendar year, or upon request.

The Government of Ukraine will provide a narrative explanation to substantiate all data collected in accordance with the following formats.

*Report of Inventories*

Report, by location, the inventories held by Ukraine in the United States and imported into the United States between the period beginning March 5, 1992, through the effective date of the Agreement.

1. Quantity: Indicate original units of measure (*e.g.*, pounds $U_3O_8$, Kilograms U, etc.) and in pounds $U_3O_8$, equivalent.
2. Location: Identify where the inventory is currently being held. Provide the name and address for the location.
3. Titled Party: Name and address of party who legally has title to the merchandise.
4. License Number(s): Indicate the number(s) relating to each entry now being held in inventory.
5. Certificate Number(s): Indicate the number(s) relating to each entry now being held in inventory.
6. Date of Original Export: Date the export certificate is endorsed.
7. Date of Entry: Date the merchandise entered the United States or the date book transfer took place.
8. Original Importer: Name and address.
9. Original Exporter: Name and address.
10. Complete Description of Merchandise: Include lot numbers and other available identifying information.

*United States Sales*

1. License Number(s): Indicate the number(s) relating to each sale and/or entry.
2. Certificate Number(s): Indicate the number(s) relating to each sale and/or entry.
3. Complete Description of Merchandise: Include lot numbers and other available identifying of documentation.
4. Quantity: Indicate units of measure sold and/or entered, *e.g.*, pounds $U_3O_8$, Kilograms U, etc.
5. Total Sales Value: Indicate currency used.
6. Unit Price: Indicate currency used.
7. Date of Sale: The date all terms of order are confirmed.
8. Sales Order Number(s): Indicate the number(s) relating to each sale and/or entry.
9. Date of Export: Date the export certificate is endorsed.
10. Date of Entry: Date the merchandise entered the United States or the date book transfer took place.
11. Importer of Record: Name and address.
12. Customer: Name and address.
13. Customer Relationship: Indicate whether related or unrelated.

14. Final Destination: Name and address of location for consumption in the United States.
15. Other: *i.e.*, used as collateral, will be re-exported, etc.

*Home Market Sales*

1. Sales Order Number(s): Indicate the number(s) relating to each sale.
2. Quantity: Indicate units of measure sold, *e.g.*, pounds $U_3O_8$, Kilograms U, etc.
3. Date of Sale: Date all terms of order are confirmed.
4. Delivery Date: Date the merchandise was delivered to the customer.
5. Customer: Name and address.
6. Customer Relationship: Indicate whether related or unrelated.

*Sales Other Than United States*

1. License Number(s): Indicate the number(s) relating to each sale and/or entry.
2. Certificate Number(s): Indicate the number(s) relating to each sale and/or entry.
3. Quantity: Indicate units of measure sold and/or entered, *e.g.*, pounds $U_3O_8$, Kilograms U, etc.
4. Date of Sale: The date all terms of order are confirmed.
5. Sales Order Number(s): Indicate the number(s) relating to each sale and/or entry.
6. Date of Export: Date the export certificate is endorsed.
7. Date of Entry: Date the merchandise entered the United States or the date book transfer took place.
8. Importer of Record: Name and address.
9. Customer: Name and address.
10. Customer Relationship: Indicate whether related or unrelated.
11. Final Destination: Name and address of location for consumption.
12. Other: *i.e.*, used as collateral, will be re-exported, etc.

**Appendix C—Ukraine**

Proprietary Document, Public Version. (No Text in Public Version.)

**Agreement Suspending the Antidumping Investigation on Uranium From Uzbekistan**

For the purpose of encouraging free and fair trade in uranium products for peaceful purposes, establishing more normal market relations, and recognizing that this Agreement is necessary for the protection of the essential security interests of the United States and Uzbekistan, pursuant to the provisions of section 734 of the Tariff Act of 1930, as amended (19 U.S.C. 1673c) (the "Act"), the United States Department of Commerce ("the Department") and the Government of Uzbekistan enter into this supension agreement ("the Agreement").

The Department finds that this Agreement is in the public interest; that effective monitoring of this Agreement by the United States is practicable; and that this Agreement will prevent the suppression or undercutting of price levels of United States domestic uranium products by imports of the merchandise subject to this Agreement.

On the basis of this suspension agreement, the Department shall suspend its antidumping investigation with respect to uranium from Uzbekistan, subject to the terms and provisions set forth below. Further, the Department will instruct the U.S. Customs Service to terminate the suspension of liquidation and to release any cash deposit or bond posted on the products covered by this Agreement as of the effective date of this Agreement.

*I. Basis for the Agreement*

In order to prevent the suspension or undercutting of price levels of United States domestic uranium, the Government of Uzbekistan will restrict the volume of direct or indirect exports to the United States of uranium products from all producers/exporters of uranium products in Uzbekistan subject to the terms and provisions set forth below.

*II. Definitions*

For purpose of this Agreement, the following definitions apply:

(a) Pounds $U_3O_8$ equivalents are calculated using the following formulas:

- Measured uranium (U) content is converted to $U_3O_8$ by multiplying U by 1.17925.
- $U_3O_8$ is converted to U content by multiplying by 0.84799.
- 1 Kg $U_3O_8$ = 2.20462 lbs. $U_3O_8$.
- 1 Kg U in $UF_6$ = 2.161283 lbs. $U_3O_8$ equivalent.
- 1 Kg U in $U_3O_8$ = 2.59982 lbs. $U_3O_8$ equivalent.

(b) Date of Export for imports into the United States accompanied by an export certificate of the merchandise subject to this Agreement shall be considered the date the export certificate was endorsed.

(c) Parties to the Proceeding—means any interested party, within the meaning of § 353.2(k) of the Department's regulations, which actively participates through written submissions of factual information or written argument.

(d) Indirect Exports—means arrangements as defined in section IV.F. of this Agreement and exports from Uzbekistan through one or more third countries, whether or not such export is sold in one or more third countries prior to importation into the United States.

*III. Product Coverage*

The merchandise covered by this Agreement are the following products from Uzbekistan:

Natural uranium in the form of uranium ores and concentrates; natural uranium metal and natural uranium compounds; alloys, dispersions (including cermets), ceramic products and mixtures containing natural uranium or natural uranium compounds; uranium enriched in $U^{235}$ and its compounds; alloys, dispersions (including cermets), ceramic products, and mixtures containing uranium enriched in $U^{235}$ or compounds of uranium enriched in $U^{235}$; and any other forms of uranium within the same class or kind.

Uranium ore from Uzbekistan milled into $U_3O_8$ and/or converted into $UF_6$ in another country prior to direct and/or indirect importation into the United States is considered uranium from Uzbekistan and is subject to the terms of this Agreement.

For purposes of this Agreement, uranium enriched in $U^{235}$ in another country prior to direct and/or indirect importation into the United States is not considered uranium from Uzbekistan and is not subject to the terms of this Agreement.

Imports of uranium ores and concentrates, natural uranium compounds, and all forms of enriched uranium are currently classifiable under Harmonized Tariff Schedule ("HTS") subheadings: 2612.10.00, 2844.10.20, 2844.20.00, respectively. Imports of natural uranium metal and forms of natural uranium other than compounds are currently classifiable under HTS subheadings: 2844.10.10 and 2844.10.50. HTS subheadings are provided for convenience and customs purposes. The written description of the scope of these proceedings is dispositive.

*IV. Export Limits*

A. The Government of Uzbekistan will restrict the volume of direct or indirect exports on or after the effective date of this Agreement to the United States and the transfer or withdrawal from inventory (consistent with the provisions of paragraph E) of the merchandise subject to this Agreement in accordance with the export limits and schedule set forth in Appendix A.

Export limits are expressed in terms of pounds $U_3O_8$ equivalent and kilograms uranium (Kg U).

Export limits are applied on the basis of "Date of Export", as defined in section II.

For purposes of this Agreement, United States shall comprise the customs territory of the United States of America (the 50 States, the District of Columbia and Puerto Rico) and foreign trade zones located in the territory of the United States of America.

B. The export limits of this Agreement shall be effective for the periods October 1, through September 30 (the "Relevant Period").

C.1. For purposes of determining the applicable quota level, the Department will determine the market price. In determining the market price for purposes of establishing the quota level, the Department will use price information in terms of U.S. dollars per pound $U_3O_8$ obtained from the following sources:

*Spot Market Price:* The Uranium Price Information System Sport Price (UPIS SPI) and the Uranium Exchange Spot Price (Ux Spot). The Department will calculate a simple average of the monthly values as expressed by these two sources to determine the Spot Price.

*Long-term Contract Price:* The simple average of the UPIS Base Price and the long-term price as determined by the Department on the basis of information provided to the Department by market participants. In determining the long-term price on the basis of information provided to the Department, the Department will use only such information submitted to which the submitter agrees to permit verification.

All such information from the identified sources will be subject to review by the Department on the basis of information available from other sources. Furthermore, during the life of the Agreement, the Department can, as appropriate, select alternative sources to use in determining the market price. Should the Department determine that any or all of the identified sources are no longer appropriate, the Department will give parties at least 30 days notice of its decision.

This determination will be made semi-annually. The Department will announce the market price and corresponding quota level on October 1 and April 1 of each year, except as provided below with respect to the first period.

With respect to the first period, which begins on the effective date of this Agreement and ends on March 31, 1993, the Department will determine a market price no later than October 30, 1992. The quota level corresponding to this price will apply to covered exports through March 31, 1993.

In determining the market price the Department will rely on price information from the identified sources covering the previous six-month period for which prices are available. For example, on October 1, the Department will announce the market price as determined by review of price information relating to the period March 1 through September 1. On April 1, the Department will announce the market price as determined by review of price information relating to the period September 1 through March 1. However, for the first period (October 16, 1992 through March 31, 1993) the Department will utilize price information relating to the period April 1, 1992 through September 30, 1992. For the period beginning on April 1, 1993, the Department will utilize price information relating to the period October 16, 1992 through March 1, 1993.

The quota level announced on October 1 will be equal to one-half of the annualized quota, as expressed in Appendix A, for the corresponding market price. The announced quota level will be the volume, in terms of pounds $U_3O_8$ equivalent, that may be exported to the United States in any form from Uzbekistan during the six-month period beginning on October 1 and ending on the following March 31.

The quota level announced on April 1 will be equal to one-half of the annualized quota, as expressed in Appendix A, for the corresponding market price. The announced quota level will be the volume, in terms of pounds $U_3O_8$ equivalent, that may be exported to the United States in any form from Uzbekistan during the six-month period beginning on April 1 and ending on the following September 30.

2. Except as provided in paragraph 3 below, multi-year contracts entered into after the effective date of this Agreement may not provide for annual deliveries in excess of the quota allowed under the Agreement as of the date of contract. If such multi-year contracts specify a price at or above the minimum price in the Appendix A price band then in effect on the date the contract is entered into, annual deliveries under such contracts will be applied against the annual quotas in effect at the time of delivery, but may be made in the full amount for the full term of the contract even if they exceed annual quotas in effect at the time of delivery.

3. Notwithstanding paragraph 2, multi-year contracts entered into after the effective date of this Agreement may provide for annual deliveries in excess of the quota allowed under the Agreement as of the date of contract, provided that they are conditioned upon the necessary additional quota being available at the time of delivery. However, annual deliveries under such conditional contracts shall be strictly subject to the annual quotas in effect at the time of delivery.

D. For the first 90 days after the effective date of this Agreement, products exported from Uzbekistan shall be admitted to the United States without an export license and certificate issued by the Government of Uzbekistan specifically for export to the United States after the date of this Agreement upon notification to the Department by the individual who signed this Agreement or his/her designated successor.

The volume of such imports will be counted towards the export limit for the covered products for the first identified period.

The volume of such imports shall be determined in terms of pounds $U_3O_8$ equivalent and kilograms uranium (Kg U) on the basis of U.S. import invoice data. This data will be sorted on the basis of date of export.

E. Any inventories of Uzbek-origin uranium, currently held by Uzbekistan in the United States and imported into the United States between the period beginning on or after March 5, 1992 (the date corresponding to the Department's critical circumstances determination) through the effective date of this Agreement will be subject to the following conditions:

Such inventories will not be transferred or withdrawn from inventory for consumption in the United States without an export license and certificate issued by the Government of Uzbekistan. A request for a license and certificate under this provision shall be accompanied by a report specifying the original date of export, the date of entry into the United States, the identity of the original exporter and importer, the customer, a complete description of the product (including lot numbers and other available identifying documentation), and the quantity expressed in original units and in pounds of $U_3O_8$ equivalent.

Any amounts authorized by Uzbekistan's issuing an export certificate under this provision shall be counted toward the export limit for the covered products for the period during which the license and certificate were issued for the product that is transferred or withdrawn. The volume shall be determined on the basis of kilograms and pounds $U_3O_8$ equivalent authorized by Uzbekistan as set forth in the license certificate.

In the event that there is a surge of sales of Uzbek-origin uranium from such inventory currently held in the United States, the Department will decrease the

export limits to take into account such sales.

F. Any arrangement involving the exchange, sale, or delivery of uranium products from Uzbekistan will be counted towards export limits under this Agreement to the degree it can be shown to have resulted in the sale or delivery in the United States of uranium products from a country other than Uzbekistan.

G. Where covered products are imported into the United States and are subsequently re-exported or further processed and re-exported, the export limits for the entered product shall be increased by the amount of pounds $U_3O_8$ equivalent re-exported. This increase will be applicable to the Relevant Period corresponding to the time of such re-export. This increase will be applied only after presentation to the Department and opportunity for verification of such evidence demonstrating original importation, any further processing, and subsequent exportation.

H. For purposes of permitting processing in the United States of uranium products from Uzbekistan, the Government of Uzbekistan may issue re-export certificates for import into the United States of Uzbek uranium products only where such imports to the United States are not for sale or ultimate consumption in the United States and where re-exports will take place within 12 months of entry into the United States. In no event shall an export certificate endorsed by Uzbekistan for uranium products previously imported into the United States under such re-export certificate. Such re-export certificates will in no event be issued in amounts greater than one million pounds $U_3O_8$ equivalent per re-export certificate and in no case shall the total volume of uranium products from Uzbekistan covered by re-export certificates exceed three million pounds $U_3O_8$ equivalent at any one time.

The importer of record must certify on the import certificate that it will ensure re-exportation within 12 months of entry into the United States. If uranium products from Uzbekistan are not re-exported within 12 months of the date of entry into the United States, the Department will refer the matter to Customs or the Department of Justice for further action and the United States will promptly notify the Government of Uzbekistan and the two governments shall enter into consultations. If the uranium products are not re-exported within 3 months of the referral to Customs or the Department of Justice and the problem has not been resolved to the mutual satisfaction of both the United States and Uzbekistan, the volume of the uranium product entered pursuant to the re-export certificate may be counted against the export limit in effect at such time, or, if there is insufficient quota, the first available quota. This volume may be restored to the export limit if the product is subsequently re-exported.

I. Export limits established for any of the identified Periods may not be used after September 30 of the corresponding Relevant Period, except that limits not so used may be used during the first three months of the respective following period up to a maximum of 20 percent of the export limit for the current Relevant Period.

Export limits for the Relevant Periods may be used as early as August 1 of the previous period within the limit of 15 percent of the export limit for the previous Relevant Period.

J. The Department shall provide fair and equitable treatment for Uzbekistan vis-a-vis other countries that export uranium to the United States, taking into account all relevant factual and legal considerations, including the antidumping laws of the United States.

K. Importation of uranium products from Uzbekistan during each Relevant Period pursuant to certain pre-existing contracts entered into before March 5, 1992 with a U.S. utility will be permitted so long as the Department has received a valid copy of such pre-existing contracts and has reviewed each to determine whether importation of the uranium product under the terms of the contract is consistent with the purposes of this Agreement. The contracts which have been approved will be specifically identified in proprietary Appendix C to this Agreement. For contracts approved by the Department, nothing in this section shall in any way restrict sales of Uzbek-origin uranium pursuant to transactions which do not involve delivery or transfer of uranium products to the seller, or the seller's account. However, any uranium products delivered or returned to the seller or the seller's account pursuant to such contract, shall be subject to the conditions specified below:

Upon reporting to the Department, the seller may dispose of any uranium products delivered to the seller or to the seller's account under such a pre-existing contract, through:

(1) Sales to the U.S. government or any agency thereof or any contractor acting on behalf of the U.S. government so long as such agency or contractor will use or consume the feed in a market-neutral manner;

(2) Sales to a U.S. utility under a contract entered into before March 5, 1992, having fixed price terms, and having been submitted for approval by the Department;

(3) Sale or delivery to any entity outside the United States, including the shipment of such uranium products to Uzbekistan where permissible;

(4) Sales to any entity in the United States at a price at or above $13 per lb. $U_3O_8$ equivalent.

*V. Export License/Certificates*

A. The Government of Uzbekistan will provide export licenses and certificates for all direct or indirect exports to the United States from Uzbekistan of the merchandise covered by this Agreement. Such export licenses and certificates will be issued in a manner determined by the Government of Uzbekistan, in accordance with laws of Uzbekistan, and this Agreement, and will ensure that established export limits are not exceeded.

The Government of Uzbekistan shall take action, including the imposition of penalties, as may be necessary to make effective the obligations resulting from the export licenses and certificates. The Government of Uzbekistan will inform the Department of any violations concerning the export licenses and/or certificates which come to its attention and the action taken with respect thereto.

The Department will inform the Government of Uzbekistan of violations concerning the export licenses and/or certificates which come to its attention and the action taken with respect thereto.

B. Export licenses shall be issued and export certificates shall be endorsed by the Government of Uzbekistan for all direct or indirect exports to the United States of the merchandise subject to this Agreement in quantities no greater than the number of pounds $U_3O_8$ equivalent and the number of kilograms of uranium (Kg U) specified by the Department under section IV.C. for each period. The formulas for converting uranium in its various forms to pounds $U_3O_8$ equivalent are set forth in section II of this Agreement.

C. Export licenses will be issued and export certificates will be endorsed against the export limits for Relevant Periods.

Export certificates for the Relevant Periods may be used as early as August 1 of the previous Relevant Period within a limit of 15 percent of the export limit for the previous Relevant Period.

Export certificates issued for each Relevant Periods, may not be used after October 31 for each subsequent year, except that certificates not so used may

be used during the first three months of the respective following period, up to a maximum of 15 percent of the export limit for the current period.

D. The Government of Uzbekistan will require that all exports of the merchandise subject to this Agreement shall be accompanied by a certificate (form to be agreed). The certificate shall be endorsed pursuant to a license and issued no earlier than one month before the day, month, and year on which the merchandise is accepted by a transportation company, as indicated in the bill-of-lading or a comparable transportation document, for export. The certificate will also indicate the customer, the complete description of the product exported, country of origin of the uranium ore, and quantity expressed in the original units and kilograms $U_3O_8$ equivalent. If any of this information is in a language other than English, the certificate must also contain an English language translation of this information and a conversion to pounds $U_3O_8$ equivalent.

E. The United States shall require presentation of such certificates as a condition for entry into the United States of the covered products of the merchandise subject to this Agreement on or after the effective date of this Agreement. The United States will prohibit the entry of such products not accompanied by such a certificate, except as provided in Section IV.D. and IV.H. of this Agreement.

*VI. Implementation*

In order to effectively restrict the volume of exports of uranium to the United States, the Government of Uzbekistan agrees to implement the following procedures no later than within 90 days of the effective date of this Agreement:

A. Establish an export licensing and certification program for all exports of uranium from Uzbekistan to, or destined directly or indirectly for consumption in, the United States.

B. Ensure compliance by all Uzbek producers, exporters, brokers, traders, users, and/or related parties of such uranium with all procedures established in order to effectuate this Agreement.

C. Collect information from all Uzbek producers, exporters, brokers, traders, users, and/or related parties of such on the production and sale of uranium.

D. Require that purchasers agree not to circumvent this Agreement, report to Uzbekistan subsequent arrangements entered into for the sale, exchange, or loan to the United States of uranium purchased from Uzbekistan, and include these same provisions in any subsequent contracts involving uranium purchased from Uzbekistan.

*VII. Anticircumvention*

A. The Government of Uzbekistan will take all appropriate measures under Uzbek law to prevent circumvention of this Agreement. It will not enter into any arrangement for the purpose of circumventing the export limits in Section IV of this Agreement. It will require that purchasers agree not to circumvent this Agreement. It will require that all purchasers report to Uzbekistan subsequent arrangements entered into for the sale, exchange or loan to the United States of uranium purchased from Uzbekistan. It will also require that all purchasers include the same provisions in any subsequent contracts involving uranium purchased from Uzbekistan.

B. In addition to the reporting requirements of Section VIII of this suspension agreement, the Government of Uzbekistan will share within 15 days of any request from the U.S. Department of Commerce all particulars regarding initial and subsequent arrangements of uranium between Uzbekistan and any party regardless of the original intended destination.

C. The Department of Commerce will accept comments from all parties for fifteen days after the receipt of information requested under paragraph B of this section. The Department will determine within 45 days of the date of the information request under paragraph B whether subject arrangements circumvent the export limits of this agreement.

D. In addition to the above requirements, the Department shall direct the U.S. Customs Service to require all importers of uranium into the United States, regardless of stated country of origin, to submit at the time of entry a written statement certifying that the uranium being imported was not obtained under any arrangement, swap, or other exchange designed to circumvent the export limits for uranium of Uzbek origin established by this Agreement. Where there is reason to believe that such a certification has been made falsely, the Department will refer the matter to Customs or the Department of Justice for further action.

E. The Department of Commerce and the Government of Uzbekistan will consult regarding any arrangement determined by the Department of Commerce to constitute circumvention of this Agreement. If the Department determines that Uzbekistan and its related parties did not actively participate in the arrangement, the Department will request consultations with Uzbekistan to resolve the problem. If the problem has not been resolved to the mutual satisfaction of both the United States and Uzbekistan, the volume of the uranium product involved in the circumvention may be counted against the export limit in effect at such time. If the Department determines that Uzbekistan actively participated in the arrangement, the volume of such arrangement will be deducted from the export limits for Uzbekistan.

F. If the Department of Commerce or Government of Uzbekistan determines that an uranium has been intentionally exported to the United States without the required export certificates, Uzbekistan shall: (1) Thereafter prohibit any Uzbekistan producer, exporter, broker, trader, user, and/or related party from supplying uranium to the customer responsible for such circumvention; (2) impose other penalties as allowed by law; and/or (3) take other actions to prevent such circumvention in the future.

G. Given the fungibility of the world uranium market, the Department of Commerce will take into account the following factors in distinguishing normal uranium market arrangements, swaps, or other exchanges from arrangements, swaps, or other exchanges which may be intentionally designed to circumvent the export limits of this suspension agreement:

1. Existence of any verbal or written arrangements which may be designed to circumvent the export limits;

2. Existence of any arrangement as defined in Section IV.F. that was not reported to the Department pursuant to Section VIII.A.;

3. Existence and function of any subsidiaries or affiliates of the parties involved;

4. Existence and function of any historical and/or traditional trading patterns among the parties involved;

5. Deviations (and reasons for deviation) from the above patterns, including physical conditions of relevant uranium facilities;

6. Existence of any payments unaccounted for by previous or subsequent deliveries, or any payments to one party for merchandise delivered or swapped by another party;

7. Sequence and timing of the arrangements;

8. Any other information relevant to the transaction or circumstances.

H. "Swaps" include, but are not limited to:

*Ownership swaps*—involve the exchange of ownership of any type of uranium product(s), without physical transfer. These may include exchange of

ownership of uranium products in different countries, so that the parties obtain ownership of products located in different countries; or exchange of ownership of uranium products produced in different countries, so that the parties obtain ownership of products of different national origin.

*Flag swaps*—involve the exchange of indicia of national origin of uranium products, without any exchange of ownership.

*Displacement swaps*—involve the sale or delivery of any type of uranium product(s) from Uzbekistan to an intermediary country (or countries) which can be shown to have resulted in the ultimate delivery or sale into the United States of displaced uranium products of any type, regardless of the sequence of the transactions.

I. The Department will enter its determinations regarding circumvention into the record of the suspension agreement.

*VII. Monitoring*

The Government of Uzbekistan will provide to the Department such information as is necessary and appropriate to monitor the implementation of and compliance with the terms of this Agreement. Notwithstanding the above, in cases where information cannot be provided by reason of national security, it is understood that the Department of Commerce will make a determination as to what is reasonable alternative information.

The Department of Commerce shall provide semi-annual reports to the Government of Uzbekistan indicating the volume of imports of the subject merchandise to the United States, together with such additional information as is necessary and appropriate to monitor the implementation of this Agreement.

A. Reporting of Data

Beginning on the effective date of this Agreement, the Government of Uzbekistan shall collect and provide to the Department the information set forth, in the agreed format in Appendix B. All such information will be provided to the Department on a semi-annual basis on March 1 and September 1 of each calendar year, or upon request. Such information will be subject to the verification provision identified in section VIII.C of this Agreement.

The Department may disregard any information submitted after the deadlines set forth in this section or any information which it is unable to verify to its satisfaction.

Both governments recognize that the effective monitoring of this Agreement may require that Uzbekistan provide information additional to that which is identified above. Accordingly, the Department may establish additional reporting requirements, as appropriate, during the course of this Agreement. The Department shall provide notice to the Government of Uzbekistan of any additional reporting requirements no later than 45 days prior to the period covered by such reporting requirements unless a shorter notice period is mutually agreed.

B. Other Sources for Monitoring

The Department will review publicly-available data as well as Customs Form 7501, entry summaries, and other official import data from the Bureau of the Census, on a monthly basis, to determine whether there have been imports that are inconsistent with the provisions of this Agreement.

The Department will monitor Bureau of the Census IM–115 computerized records, which include the quantity and value of each entry. Because these records do not provide other specific entry information, such as the identity of the producer/exporter which may be responsible for such sales, the Department may request the U.S. Customs Service to provide such information. The Department may request other additional documentation from the U.S. Customs Service.

The Department may also request the U.S. Customs Service to direct ports of entry to forward an Antidumping Report of Importations for entries of the subject merchandise during the period this Agreement is in effect.

C. Verification

The Government of Uzbekistan agrees to permit full verification of all information related to the administration of this Agreement, on an annual basis or more frequently, as the Department deems necessary to ensure that Uzbekistan is in full compliance with the terms of the Agreement.

*IX. Disclosure and Comment*

A. The Department shall make available to representatives of each party to the proceeding, under appropriately-drawn administrative protective orders consistent with the Department's Regulations, business proprietary information submitted to the Department semi-annually or upon request, and in any administrative review of this Agreement.

B. Not later than 30 days after the date of disclosure under paragraph VIII. A., the parties to the proceeding may submit written comments to the Department, not to exceed 30 pages.

C. During the anniversary month of this Agreement, each party to the proceeding may request a hearing on issues raised during the proceeding Relevant Period. If such a hearing is requested, it will be conducted in accordance with section 751 of the Act (19 U.S.C. 1675) and applicable regulations.

*X. Consultations*

A. The Government of Uzbekistan and the Department shall hold consultations regarding matters concerning the implementations, operation, or enforcement of this Agreement. Such consultations will be held each year during the anniversary month of this Agreement, except that in the 12 months following the signing of the Agreement, consultations will be held semi-annually. Additional consultations may be held at any other time upon request of either the Government of Uzbekistan or the Department. Emergency consultations may be held in accordance with section XI.A.

B. If either Uzbekistan or the Department discovers that substantial quantities of enriched uranium product(s) not subject to this Agreement and produced from Uzbek ore are being exported to the United States, Uzbekistan and the Department will promptly enter into consultations to ensure that such exports to the United States are not undermining this Agreement.

C. If, for reasons unrelated to sales of Uzbek uranium, the market price of uranium products remains below U.S. $13 per pound $U_3O_8$ equivalent for three consecutive observation periods after January 1, 1993, the Government of Uzbekistan and the Department will promptly enter into consultations in order to review the market situation and consider adjustments to the quota.

*XI. Violations of the Agreement*

A. Violation

"Violation" means noncompliance with the terms of this Agreement caused by an act or omission by the Government of Uzbekistan except, at the discretion of the Secretary, an act or omission which is inadvertent or inconsequential.

The Government of Uzbekistan will inform the Department of any violations which come to its attention and the action taken with respect thereto.

Imports in excess of the export limits set out in this Agreement shall not be considered a violation of this Agreement

or an indication the Agreement no longer meets the requirements of section 734(l) of the Act, where such imports are minimal in volume, are the result of technical shipping circumstances, and are applied against the export limits of the following year. Technical shipping circumstances that would result in a minimal volume of imports in excess of the export limits are, for example, those where the shipment of a full drum is required for safety factors and such amount is beyond the existing export limit.

Prior to making a determination of an alleged violation, the Department will engage in emergency consultations. Such consultations shall begin no later than 14 days from the day of request and shall provide for full review, but in no event will exceed 30 days. After consultations, the Department will provide the Government of Uzbekistan 10 days within which to provide comments. The Department will make a determination within 20 days.

B. Appropriate Action

If the Department determines that this Agreement is being or has been violated, the Department will take such action as it determines is appropriate under section, 734(i) of the Act and 353.19 of the Department's Regulations.

*XII. Duration*

In consideration of the role of long-term contracts in the uranium market, the export limits provided for in Section IV of this Agreement shall remain in force from the effective date of this Agreement through October 15,2000. Thereafter, the volume of exports to the United States of uranium products from Uzbekistan shall not be limited by the export limitations provided for in Section IV of this Agreement. For the period October 16, 2000, through October 15, 2002, both the Government of Uzbekistan and the Department will pay particular attention to the requirements for monitoring by Uzbekistan and the Department, as provided in Sections VI and VIII of this Agreement. Should such monitoring indicate that, in the absence of the export limits provided for in Section IV, this Agreement no longer prevents the suppression or undercutting of price levels of domestic products by imports of uranium products from Uzbekistan, as identified and discussed during consultations, the export limits set forth in Section IV may be reinstated within 30 days after completion of the consultations. If it is determined in subsequent consultations that the conditions that led to the reinstatement of the export limits provided for in Section IV no longer exist, such export limits shall not remain in force and the monitoring specified above shall resume.

The Department will, upon receiving a proper request no later than October 31, 2001, conduct an administrative review under section 751 of the Act. The Department expects to terminate this Agreement and the underlying investigation no later than October 15, 2002, as long as Uzbekistan has not been found to have violated the Agreement in any substantive manner. Such review and termination shall be conducted consistent with Section 353.25 of the Department's regulations.

The Government of Uzbekistan may terminate this Agreement at any time upon notice to the Department. Termination shall be effective 60 days after such notice is given to the Department. Upon termination at the request of the Government of Uzbekistan, the provisions of Section 734 of the Act shall apply.

If the Department has determined that if a sufficient amount of time has elapsed, the Department will follow the provisions of Sections XIII.B. or XIII.C. of this Agreement.

*XIII. Conditions*

During the underlying investigation, the Department determined that Uzbekistan is a non-market economy country. Because the two governments share an interest in promoting the transformation of Uzbekistan into a market economy, the Department recognizes that it may determine during the life of this Agreement that the Uzbek uranium industry is a market-oriented-industry, or that Uzbekistan is a market economy country. In either event, the Department may:

(a) Enter into a new suspension agreement under Section 734(b) or 734(c) of the Act; or

(b) If the investigation was not completed under § 353.18(i) of the Department's regulations, afford the Government of Uzbekistan a full opportunity to submit new information, and take such information into account in reaching its final determination; or

(c) If the investigation was completed under § 353.18(i), consider a request made no later than 30 days after termination of the Agreement to conduct a changed circumstances review under section 751(b).

*XIV. Other Provisions*

A. In entering into this Agreement, the Government of Uzbekistan does not admit that any sales of the merchandise subject to this Agreement have been made at less than fair value or that such sales have materially injured, or threatened material injury to, an industry or industries in the United States.

B. For all purposes hereunder, the Department and the signatory Government shall be represented by, and all communications and notices shall be given and addressed to:

*Department of Commerce Contact*

United States Department of Commerce, Assistant Secretary for Import Administration, International Trade Administration, Washington, DC 20230.

*Government of Uzbekistan*

Nicolay I. Kuchersky, President, Kyzylkumzoloto Concern, 706800 Navoi-2, Republic of Uzbekistan.

Carolyn B. Lamm, Esq., White & Case, 1747 Pennsylvania Avenue, NW., Washington, DC 20006.

*XV. Effective Date*

The effective date of this Agreement suspending the antidumping investigation on uranium from Uzbekistan, October 16, 1992.

Signed on this sixteenth day of October, 1992.

For the Government of Uzbekistan.

Nicolay I. Kuchersky.

Muhamed-Babur M. Malikov.

For U.S. Department of Commerce.

Alan M. Dunn,

*Assistant Secretary for Import Administration.*

APPENDIX A: UZBEKISTAN

| Price level | Quota in millions of pounds $U_3O_8$ |
|---|---|
| $13.00–13.99 | 1.0 |
| 14.00–14.99 | 1.2 |
| 15.00–15.99 | 1.4 |
| 16.00–16.99 | 1.8 |
| 17.00–17.99 | 2.5 |
| 18.00–18.99 | 3.5 |
| 19.00–19.99 | 4.0 |
| 20.00–20.99 | 5.0 |
| 21.00 and up | Unlimited $U_3O_8$ |

Note 1: Price is measured in U.S. $/lbs. and is an observed price in the U.S. market as defined in the suspension agreement and reviewed every six months for adjustment.

Note 2: Quota levels are expressed in millions of pounds of $U_3O_8$ equivalent as converted by the conversion formulae outlined in the suspension agreement.

Appendix B

In accordance with the established format, the Government of Uzbekistan shall collect and provide to the Department all information necessary to ensure compliance with this Agreement.

The Government of Uzbekistan will collect and maintain sales data to the United States, in the home market, and to countries other than the United

States, on a continuous basis and provide the prescribed information to the Department on March 1, 1993 or upon request, for the period beginning on the effective date of this Agreement and ending January 31, 1993. For the period beginning February 1, 1993, and ending July 31, 1993, the Government of Uzbekistan will provide the prescribed information on September 1,1993 or upon request.

All subsequent information for the periods February 1 through July 31, and August 1 through January 31, will be provide to the Department on a semi-annual basis on March 1 and September 1 respectively of each subsequent calendar year, or upon requests.

The Government of Uzbekistan will provide a narrative explanation to substantiate all data collected in accordance with the following formats.

*Report of Inventories*

Report, by location, the inventories held by Uzbekistan in the United States and imported into the United States between the period beginning March 5, 1992, through the effective date of the Agreement.

1. Quantity. Indicate original units of measure (*e.g.*, pounds $U_3O_8$, Kilograms U, etc.) and in pounds $U_3O_8$ equivalent.
2. Location: Identify where the inventory is currently being held. Provide the name and address for the location.
3. Titled Party: Name and address of party who legally has title to the merchandise.
4. License Number(s): Indicate the number(s) relating to each entry now being held in inventory.
5. Certificate Number(s): Indicate the number(s) relating to each entry now being held in inventory.
6. Date of Original Export: Date the export certificate is endorsed.
7. Date of Entry: Date the merchandise entered the United States or the date book transfer took place.
8. Original Importer: Name and address.
9. Original Exporter: Name and address.
10. Complete Description of Merchandise: Include lot numbers and other available identifying information.

*United States Sales*

1. License Number(s): Indicate the number(s) relating to each sale and/or entry.
2. Certificate Number(s): Indicate the number(s) relating to each sale and/or entry.
3. Complete Description of Merchandise: Include lot numbers and other available identifying of documentation.
4. Quantity: Indicate units of measure sold and/or entered, *e.g.* pounds $U_3O_8$, Kilograms U, etc.
5. Total Sales Value: Indicate currency used.
6. Unit Price: Indicate currency used.
7. Date of Sale: The date all terms of order are confirmed.
8. Sales Order Number(s): Indicate the number(s) relating to each sale and/or entry.
9. Date of Export: Date the export certificate is endorsed.
10. Date of Entry: Date the merchandise entered the United States or the date book transfer took place.
11. Importer of Record: Name and address.
12. Customer: Name and address.
13. Customer Relationship: Indicate whether related or unrelated.
14. Final Destination: Name and address of location for consumption in the United States.
15. Other: *i.e.*, used as collateral, will be re-exported, etc.

*Home Market Sales*

1. Sales Order Number(s): Indicate the number(s) relating to each sale.
2. Quantity: Indicate, units of measure sold, *e.g.*, pounds $U_3O_8$, Kilograms U, etc.
3. Date of Sale: Date all terms of order are confirmed.
4. Delivery Date: Date the merchandise was delivered to the customer.
5. Customer: Name and address.
6. Customer Relationship: Indicate whether related or unrelated.

*Sales Other Than United States*

1. License Number(s): Indicate the number(s) relating to each sale and/or entry.
2. Certificate Number(s): Indicate the number(s) relating to each sale and/or entry.
3. Quantity: Indicate units of measure sold and/or entered, *e.g.*, pounds $U_3O_8$, Kilograms U, etc.
4. Date of Sale: The date all terms of order are confirmed.
5. Sales Order Number(s): Indicate the number(s) relating to each sale and/or entry.
6. Date of Export: Date the export certificate is endorsed.
7. Date of Entry: Date the merchandise entered the United States or the date a book transfer took place.
8. Importer of Record: Name and address.
9. Customer: Name and address.
10. Customer Relationship: Indicate whether related or unrelated.
11. Final Destination: Name and address of location for consumption.
12. Other: *i.e.*, used as collateral, will be re-exported, etc.

**Appendix C—Uzbekistan**

Proprietary Document, Public Version. (No Text in Public Version.)

[FR Doc. 92–25919 Filed 10–29–92; 8:45 am]
BILLING CODE 3510–DS–M

Federal Register

Friday
October 30, 1992

Part III

# Department of Education

34 CFR Part 769
Library Literacy Program; Final Rule

**DEPARTMENT OF EDUCATION**

**34 CFR Part 769**

**RIN 1850-AA43**

## Library Literacy Program

**AGENCY:** Department of Education.

**ACTION:** Final regulations.

**SUMMARY:** The Secretary amends the regulations governing the Library Literacy Program, title VI of the Library Services and Construction Act (LSCA title VI). This action is taken to implement revisions made to the program by the National Literacy Act (Pub. L. 102-73) enacted in July 1991. It also provides the first major revision to the regulations since the program began operation in 1986. This program supports AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by encouraging coordination of adult literacy programs, assessments of local needs, and other adult literacy activities. National Education Goal 5 calls for every American to be literate and to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

**EFFECTIVE DATE:** These regulations take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Carol Cameron Lyons, Library Programs, U.S. Department of Education, 555 New Jersey Avenue, NW, room 404, Washington, DC 20208-5571. Telephone: (202) 219-1321. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, D.C. 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

**SUPPLEMENTARY INFORMATION:** On June 15, 1992, the Secretary published a notice of proposed rulemaking for this program in the **Federal Register** (57 FR 26750).

In addition to implementing the recent statutory changes, these regulations clarify and update certain sections of the regulations. Changes include implementing a new statutory priority for programs and services that demonstrate need and coordination, and revising the definition of "literacy" as required by the National Literacy Act. A new definition of "local public library" clarifies for this program the definition of "public library" in the LSCA to make it clear to applicants that a library that is an integral part either of a non-public library or of a library that is not primarily a local library is not eligible to receive LSCA title VI funds. The regulations also provide a clearer description of program activities and update the selection criteria in § 769.31 of the regulations to reflect changes in the Education Department General Administrative Regulations (EDGAR).

Except for a minor editorial revision, there are no differences between the NPRM and these final regulations.

### Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, two parties submitted comments on the proposed regulations. An analysis of the comments and of the changes in the regulations since publication of the NPRM follows. These comments and changes are discussed under the section of the regulations to which they pertain.

*Section 769.31(a)(2)(i) The Concentration of Adults Without a Secondary Education or Its Equivalent*

*Comment:* One commenter expressed concern that because the concentration of adults who do not have a secondary education or its equivalent is used as a basis for determining the need of an area for program services, adults who have such an education but who are unable to read will not be able to participate in the program.

*Discussion:* The National Literacy Act requires the Secretary to give priority to programs that will be delivered in areas with the highest concentrations of adults who do not have a secondary education or its equivalent. However, this does not preclude a local public library from serving adults with a secondary education who do not know how to read.

*Change:* None.

*Section 769.31(a) and (b) Documentation of Need and Coordination*

*Comment:* Both commenters expressed concern about the ability of local public libraries to document the extent of the need for a proposed project and the extent of its coordination of literacy services with other literacy organizations in the community. They asked what documentation would be acceptable and wondered whether local public libraries would feel that gathering sufficient data would be burdensome and a deterrent to submitting proposals.

*Discussion:* The nature of the documentation of the need of an area for a literacy project will vary according to the area and the population or community to be served. The area to be served by a project is not necessarily delineated by political or other objective boundary. It may be a state, county, city, neighborhood, or a particular population of a community. The applicant determines the area that will be served by the project. The applicant has some flexibility regarding the kind of information it provides, e.g., the applicant may provide information about what, if any, nonfederal resources are available, or it may provide information regarding per capita income or unemployment in the area. Information about the high school completion rate of the area is required. An applicant should use the best available data for the area it chooses to serve. Applicants are encouraged to use the most recent and reliable data published by the U.S. Government or State or local sources. This would include such sources as extrapolations from national census data and statistics, school district statistics, surveys done by local chambers of commerce, State education data, or assessments done by local groups such as literacy councils, adult education agencies, or friends of the library. These are the type of data cited by applicants in the FY 1992 grant cycle. FY 1992 applicants did not indicate any particular difficulty in obtaining documentation of need or coordination. Most of this data is included in the collections of local public libraries or is available from educational and service agencies in the community or State.

*Change:* A minor editorial change has been made to the language of § 769.31(a)(2)(ii)(A).

*Section 769.31(f) Evaluation Plan*

*Comment:* One commenter expressed concern about the lower point value for evaluation, which is changed from 20 out of a possible 100 points in the existing regulations to 15 out of a possible 115 in these new regulations.

*Discussion:* The change in point value for the evaluation plan is not intended as a decreased emphasis on evaluation. However, the National Literacy Act directed the Secretary to give priority to programs that serve areas of greatest need and coordinate literacy services with other literacy providers in the community. This required a restructuring of the selection criteria for the Library Literacy Program. Evaluation remains a significant selection criterion. Need and coordination are the highest ranked criteria at 25 points each, followed by the plan of operation at 20 points, then

the evaluation plan and quality of key personnel at 15 points each.

*Change:* None.

*Executive Order 12291*

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

*Intergovernmental Review*

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for these programs.

**List of Subjects in 34 CFR Part 769**

Education, Education of disadvantaged, Grant programs—education, Libraries, Literacy programs—libraries, Reporting and recordkeeping requirements.

Dated: October 2, 1992.

**Lamar Alexander,**

*Secretary of Education.*

(Catalog of Federal Domestic Assistance Number 84.167, Library Literacy Program)

The Secretary revises Part 769 of Title 34 of the Code of Federal Regulations to read as follows:

## PART 769—LIBRARY LITERACY PROGRAM

### Subpart A—General

Sec.



### Subpart B—What Types of Projects Does the Secretary Fund?



### Subpart C—How Does One Apply for an Award?



### Subpart D—How Does the Secretary Make an Award?



**Authority:** 20 U.S.C. 375, unless otherwise noted.

### Subpart A—General

#### § 769.1 What is the Library Literacy Program?

Under the Library Literacy Program the Secretary provides Federal financial assistance for adult literacy projects.

(Authority: 20 U.S.C. 375(a))

#### § 769.2 Who is eligible for an award?

State libraries and local public libraries are eligible to apply for grants under the Library Literacy Program.

(Authority: 20 U.S.C. 375(a))

#### § 769.3 What regulations apply?

The following regulations apply to the Library Literacy Program:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR part 75 (Direct Grant Programs).

(2) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(3) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(4) 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(5) 34 CFR part 81 (General Education Provisions Act—Enforcement).

(6) 34 CFR part 82 (New Restrictions on Lobbying).

(7) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(b) The regulations in this part 769.

(Authority: 20 U.S.C. 375(a))

#### § 769.4 What definitions apply?

(a) *Definitions in the Act.* The following terms used in this part are defined in section 3 of the Act:

Public library
State library administrative agency

(b) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Application
Budget
Department
EDGAR
Equipment
Facilities
Grant
Project
Secretary
State
Supplies

(c) *Other definitions.* The following definitions also apply to this part:

*Act* means the Library Services and Construction Act, as amended.

*Adult* means an individual in any State who has exceeded the maximum age for compulsory schooling in that State.

*Library materials* means books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microforms, pictorial works, graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, processed video and magnetic tapes, computer software, and materials designed specifically for individuals with disabilities.

*Literacy* means an individual's ability to read, write, and speak in English, compute, and solve problems at levels of proficiency necessary to function on the job and in society; to achieve one's goals; and to develop one's knowledge and potential.

(Authority: Pub. L. 102-73, Sec. 3)

*Literacy program* means a project or activity designed to help individuals achieve literacy.

*Local public library* means a public library that is not an integral part of a State or Federal agency and that is authorized to independently apply for, receive, and carry out an LSCA title VI grant.

*State library* means, for this program, the State library administrative agency.

(Authority: 20 U.S.C. 351 *et seq.*; 375.)

### Subpart B—What Types of Projects Does the Secretary Fund?

#### § 769.10 For what types of projects does the Secretary provide assistance to State libraries?

(a) The Secretary provides assistance to State libraries for projects designed to do either or both of the following:

(1) Coordinate and plan library literacy programs for adults.

(2) Arrange for the training of librarians and volunteers to carry out these types of programs.

(b) These projects may include, but are not restricted to, one or more of the following types of activities:

(1) Conducting statewide library literacy initiatives.

(2) Assessing literacy needs.

(3) Promoting cooperation between libraries and other agencies in providing literacy programs for adults.

(4) Training librarians and volunteers in the development of literacy programs or in recruitment, training, collection development, evaluation, and other activities to implement a local library literacy program.

(5) Assisting or training librarians and volunteers in extending library literacy programs to groups and individuals that may not be served adequately by existing programs. Examples of these types of persons include—

(i) Individuals with disabilities.

(ii) The institutionalized;

(iii) Older Americans; and

(iv) Other disadvantaged individuals.

(Authority: 20 U.S.C. 375(b))

**§ 769.11 For what types of projects does the Secretary provide assistance to local public libraries?**

(a) The Secretary provides assistance to local public libraries for projects designed to do one or more of the following:

(1) Promote the use of the voluntary services of individuals, agencies, and organizations in providing literacy programs for adults.

(2) Acquire library materials for literacy programs.

(3) Use library facilities for literacy programs.

(b) These projects may include, but are not restricted to, one or more of the following types of activities:

(1) Disseminating information about literacy programs.

(2) Training librarians and volunteers to serve local literacy programs.

(3) Developing a collection of literacy materials or acquiring tutor and student literacy materials.

(4) Conducting literacy programs for adults.

(5) Serving as the headquarters for a literacy program.

(6) Encouraging other libraries in the community to volunteer the use of their facilities for literacy programs.

(Authority: 20 U.S.C. 375(c))

## Subpart C—How Does One Apply for an Award?

**§ 769.20 How do State libraries review applications submitted under the Library Literacy Program?**

An applicant shall use the State comment procedures in 34 CFR 75.156–75.160 to afford the State library administrative agency an opportunity to comment on any application for a grant. For purposes of complying with these procedures—

(a) As used in 34 CFR 75.156–75.160—

(1) *State* means the State library administrative agency; and

(2) *Appropriate State official* means the head of the State library administrative agency.

(b) Notwithstanding the provisions of § 75.159(a), the State library administrative agency may review the application only for consistency with its long-range program required under Titles I, II, and III of the Act.

(Authority: 20 U.S.C. 351d(h))

## Subpart D—How Does the Secretary Make an Award?

**§ 769.30 How does the Secretary evaluate an application?**

(a) The Secretary evaluates an application on the basis of the criteria in § 769.31.

(b) The Secretary awards up to 115 possible points for the criteria in § 769.31.

(c) The maximum possible score for each complete criterion is indicated in parentheses.

(Authority: 20 U.S.C. 375(d))

**§ 769.31 What selection criteria does the Secretary use?**

(a) *Need.* (25 points)

(1) The Secretary reviews each application to determine the extent of the need for the proposed project.

(2) The Secretary considers—

(i) The extent of the concentration of adults who do not have a secondary education or its equivalent in the area to be served by the project; and

(ii)(A) The availability of community or financial resources that could be used to establish the project without Federal assistance; or

(B) The per capita income and rate of unemployment or underemployment in the area to be served by the project.

(3) To earn points under this criterion, an applicant must have earned at least one point under paragraph (b) of this section.

(b) *Coordination.* (25 points)

(1) The Secretary reviews each application to determine the extent to which the applicant coordinates its services with literacy organizations and community based organizations providing similar or related literacy services.

(2) The Secretary considers—

(i) The extent to which the applicant—

(A) Has identified other providers of literacy-related services, including state or local adult education agencies or community based organizations, as appropriate;

(B) Has identified the services provided by these parties; and

(C) Has communicated with officials of these parties or their representatives; and

(ii) The quality of the specific measures for cooperation and coordination the applicant has proposed.

(3) To earn points under this criterion, an applicant must have earned at least one point under paragraph (a) of this section.

(Authority: 20 U.S.C. 375)

(c) *Plan of operation.* (20 points)

(1) The Secretary reviews each application to determine the quality of the plan of operation for the project.

(2) The Secretary looks for—

(i) High quality in the design of the project;

(ii) A clear description of how the proposed literacy services would meet the needs of the population to be served;

(iii) Specific intended outcomes that—

(A) Will accomplish the purposes of the program;

(B) Are attainable within the project period, given the project's budget and other resources;

(C) Are susceptible to evaluation; and

(D) Are objective and measurable.

(iv) An effective plan of management that ensures proper and efficient administration of the project;

(v) High quality in the applicant's plans for using its resources and personnel to achieve each objective and intended outcome during the period of federal funding;

(vi) A distinct role for State or local libraries;

(vii) An efficient timeline for meeting each objective; and

(viii) An effective plan for providing equal access and treatment for eligible project participants without regard to race, color, national origin, gender, age, or disabling condition.

(d) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application to determine the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary considers—

(i) The qualifications of the project director or coordinator;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that the project director and other key personnel will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment without regard to race, color, national origin, gender, age, or disabling condition.

(3) To determine personnel qualifications, the Secretary considers

experience and training, in fields related to the objectives of the project, as well as other evidence that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application to determine if the project has an adequate budget and is cost-effective.

(2) The Secretary considers the extent to which—

(i) The budget is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (15 points)

(1) The Secretary reviews each application to determine the quality of the evaluation plan for the project.

(2) The Secretary considers the extent to which methods of evaluation—

(i) Are appropriate for the project;

(ii) Will determine how successful the project is in meeting its intended outcomes; and

(iii) Are objective and produce data that are measurable and quantifiable.

(g) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application to determine if the applicant plans to devote adequate resources to the project.

(2) The Secretary considers the extent to which—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under control number 1850–0587)

(Authority: 20 U.S.C. 375)

[FR Doc. 92–26320 Filed 10–29–92; 8:45 am]

BILLING CODE 4000–01–M

federal register

Friday
October 30, 1992

Part IV

# Department of Education

**Library Literacy Program; Inviting Applications for New Awards for Fiscal Year (FY) 1993**

## DEPARTMENT OF EDUCATION

[CFDA No.: 84.167]

### Library Literacy Program; Inviting Applications for New Awards for Fiscal Year (FY) 1993

*Purpose of Program:* Provides grants to State and local public libraries to support literacy projects. Grants may not exceed $35,000. This program supports AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals. Specifically, National Education Goal 5 calls for adult Americans to be literate and to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

*Eligible Applicants:* State and local public libraries.

*Deadline for Transmittal of Applications:* January 15, 1993.

*Deadline for Intergovernmental Review:* March 15, 1993.

*Applications Available:* November 17, 1992.

*Available Funds:* $8,098,000.

*Estimated Range of Awards:* $5,000–$35,000.

*Estimated Average Size of Awards:* $31,800.

*Estimated Number of Awards:* 255.

Note: The Department is not bound by any estimates in this notice.

*Project Period:* Up to 12 months.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations (EDGAR) in 34 parts 75, 77, 79, 80, 81, 82, and 85; and (b) The regulations for this program in 34 CFR part 769, as published in this issue of the **Federal Register**.

*For Applications or Information Contact:* Carol Cameron Lyons or Barbara Humes, Program Officers, Library Development Staff, Library Programs, U.S. Department of Education, 555 New Jersey Avenue, NW., room 404, Washington, DC 20208–5571. Telephone: (202) 219–1315. Individuals who are hearing impaired may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

**Program Authority:** 20 U.S.C. 375.

Dated: October 26, 1992.

**Diane Ravitch,**

*Assistant Secretary for Educational Research and Improvement.*

[FR Doc. 92–26321 Filed 10–29–92; 8:45 am]

BILLING CODE 4000–01–M

federal register

Friday
October 30, 1992

Part V

# Department of Labor

**Occupational Safety and Health Administration**

**29 CFR Parts 1910, 1915 and 1926**
**Occupational Exposure to Cadmium (CD); Approval of Information Collection Requirements; Final Rule**

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**29 CFR Parts 1910, 1915 and 1926**

**[Docket No. H–057a]**

**RIN 1218–AB16**

## Occupational Exposure to Cadmium (CD); Approval of Information Collection Requirements

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Final rule.

**SUMMARY:** On September 14, 1992, OSHA published final standards governing occupational exposure to Cadmium (57 FR 42102). These standards are designed to reduce the risks from exposure to Cadmium. At that time, OSHA submitted the information collection requirements to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act (PRA) of 1980. This document amends the September 14, 1992, **Federal Register** document to properly display the OMB control numbers.

**DATES:** These amendments are effective December 14, 1992. The OMB clearance expires on September 30, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. James F. Foster, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, room N3637, 200 Constitution Ave, NW., Washington, DC 20210. Telephone (202) 219–8151.

**SUPPLEMENTARY INFORMATION:** The PRA provisions on information collection are triggered when an OSHA compliance officer asks an employer to produce certain records and, in some circumstances, when an employer goes out of business. The Cadmium standards require that OSHA have access to the employer's Compliance Plan (General Industry § 1910.1027(f)(2)(iv); Construction § 1926.32(f)(5)(iv)); information and training records (General Industry § 1910.1027(m)(4)(iv); Construction § 1926.32(m)(4)(iv)) as well as the employee's medical and monitoring records (General Industry § 1910.1027(n)(5)(i) construction § 1926.63(n)(6)). If an employer ceases business operation and there is no successor employer to receive these records, the employer is required to notify the Director of the National Institute of Occupational Safety and Health three months prior to destroying the records and transmit the records to the Director if he or she requests them (General Industry § 1910.1027(n)(7); Construction § 1926.32(o)(7) (i) and (ii)).

Public reporting burden for collection of information was estimated to average five minutes per employer response to an OSHA compliance officer's request for access to the employer's records.

OMB reviewed the collection of information requirements for occupational exposure to Cadmium in accordance with the PRA, 44 U.S.C. 3501 et seq., and 5 CFR part 1320. OMB approved all information requirements contained in 29 CFR 1910.1027 (General Industry) and 29 CFR 1926.63 (Construction) under OMB clearance numbers 1218–0185 and 1218–0186, respectively.

On September 23, 1992 OMB approved the information collection provisions for three years, the maximum period authorized by the Paperwork Reduction Act.

*Authority and Signature*

This document was prepared under the direction of Dorothy L. Strunk, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

This action is being taken pursuant to sections 4(b), 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), section 4 of the Administrative Procedure Act, 5 U.S.C. 553(d)(3), Secretary of Labor's Order No. 1–90 (55 FR 9033) and 29 CFR part 1911.

Signed at Washington, DC this 16th day of October, 1992.

**Dorothy L. Strunk,**

*Acting Assistant Secretary for Occupational Safety and Health.*

Parts 1910, 1915 and 1926 of title 29 of the Code of Federal Regulations are hereby amended as follows:

### PART 1910—[AMENDED]

1. The authority citation for subpart Z of part 1910 continues to read in part as follows:

**Authority:** Secs. 6, 8 Occupational Safety and Health Act, 29 U.S.C. 655, 657: Secretary of Labor's Orders 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736) or 1–90 (55 FR 9033), as applicable; and 29 CFR part 1911.

All of subpart Z issued under section 6(b) of the Occupational Safety and Health Act. 29 U.S.C. 655(b) except those substances listed in the Transitional Limits columns of Table Z–1–A, Table Z–2 or Table Z–3. The latter were issued under section 6(a) (29 U.S.C. 655(a)).

* * * * *

2. In § 1910.1027, by adding a parenthetical, as follows, at the end of the regulatory text:

**§ 1910.1027 Cadmium**

* * * * *

(Approved by the Office of Management and Budget under control number 1218–0185.)

### PART 1915—[AMENDED]

1. The authority citation for 29 CFR part 1915 continues to read as follows:

**Authority:** Sec. 41, Longshore and Harbor Workers Compensation Act (33 U.S.C. 941); secs. 4, 6, 8 Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736) or 1–90 (55 FR 9033), as applicable; 29 CFR part 1911. Section 1915.99 also issued under 5 U.S.C. 553.

* * * * *

2. In § 1915.1027, by adding a parenthetical, as follows, at the end of the regulatory text:

**§ 1915.1027 Cadmium**

* * * * *

(Approved by the Office of Management and Budget under control number 1218–0185.)

### PART 1926—[AMENDED]

1. The authority citation for subpart D of part 1926 continues to read as follows:

**Authority:** Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 3330; sec 4, 6, 8 Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736) or 1–90 (55 FR 9033) as applicable.

Sections 1926.58, 1926.59, and 1926.60 also issued under 5 U.S.C. 553 and CFR part 1911.

* * * * *

2. In § 1926.63, by adding a parenthetical, as follows, at the end of the regulatory text:

**§ 1926.63 Cadmium**

* * * * *

(Approved by the Office of Management and Budget under control number 1218–0186.)

[FR Doc. 92–26327 Filed 10–29–92; 8:45 am]

BILLING CODE 4510–26–M

Federal Register

Friday
October 30, 1992

Part VI

# Department of Education

**Deaf Students Education Services; Policy Guidance; Notices**

## DEPARTMENT OF EDUCATION

### Deaf Students Education Services; Policy Guidance

**AGENCY:** Department of Education.

**ACTION:** Notice of Policy Guidance.

**SUMMARY:** The Department provides additional guidance about part B of the Individuals with Disabilities Education Act (IDEA) and section 504 of the Rehabilitation Act of 1973 (section 504) as they relate to the provision of appropriate education services to students who are deaf. This guidance is issued in response to concerns regarding Departmental policy on the provision of a free appropriate public education (FAPE) to students who are deaf. Many of these concerns were expressed in the report of the Commission on Education of the Deaf. This guidance is intended to furnish State and local education agency personnel with background information and specific steps that will help to ensure that children and youth who are deaf are provided with a free appropriate public education. It also describes procedural safeguards that ensure parents are knowledgeable about their rights and about placement decisions made by public agencies.

**FOR FURTHER INFORMATION CONTACT:** Jean Peelen or Parma Yarkin, U.S. Department of Education, 400 Maryland Avenue, SW., rooms 5046 and 3131, Switzer Building, respectively, Washington, DC 20202–2524. Telephone (202) 205–8637 and (202) 205–8723, respectively. Deaf and hearing impaired individuals may call (202) 205–8449 or (202) 205–8723, respectively, for TDD services.

**SUPPLEMENTARY INFORMATION:**

#### Background

In the past twenty-five years, two national panels have concluded that the education of deaf students must be improved in order to meet their unique communication and related needs. The most recent of these panels, the Commission on Education of the Deaf (COED), recommended a number of changes in the way the Federal government supports the education of individuals who are deaf from birth through postsecondary schooling and training. With this notice, the Secretary implements several COED recommendations relating to the provision of appropriate education for elementary and secondary students who are deaf.

The COED's report and its primary finding [1] reflect a fundamental concern within much of the deaf community that students who are deaf have significant obstacles to overcome in order to have access to a free appropriate public education that meets their unique educational needs, particularly their communication and related needs.[2]

The disability of deafness often results in significant and unique educational needs for the individual child. The major barriers to learning associated with deafness relate to language and communication, which, in turn, profoundly affect most aspects of the educational process. For example, acquiring basic English language skills is a tremendous challenge for most students who are deaf. While the Department and others are supporting research activities in the area of language acquisition for children who are deaf, effective methods of instruction that can be implemented in a variety of educational settings are still not available. The reading skills of deaf children reflect perhaps the most momentous and dismal effects of the disability and of the education system's struggle to effectively teach deaf children: hearing impaired students "level off" in their reading comprehension achievement at about the third grade level.[3]

Compounding the manifest educational considerations, the communication nature of the disability is inherently isolating, with considerable effect on the interaction with peers and teachers that make up the educational process. This interaction, for the purpose of transmitting knowledge and developing the child's self-esteem and identity, is dependent upon direct communication. Yet, communication is the area most hampered between a deaf child and his or her hearing peers and teachers. Even the availability of interpreter services in the educational setting may not address deaf children's needs for direct and meaningful communication with peers and teachers.

Because deafness is a low incidence disability, there is not widespread understanding of its educational implications, even among special educators. This lack of knowledge and skills in our education system contributes to the already substantial barriers to deaf students in receiving appropriate educational services.

In light of all these factors, the Secretary believes that it is important to provide additional guidance to State and local education agencies to ensure that the needs of students who are deaf are appropriately identified and met, and that placement decisions for students who are deaf meet the standards of the applicable statutes and their implementing regulations. It is the purpose of this document to (1) clarify the free appropriate public education provisions of IDEA for children who are deaf, including important factors in the determination of appropriate education for such children and the requirement that education be provided in the least restrictive environment, and (2) clarify the applicability of the procedural safeguards in placement decisions.

Nothing in this notice alters a public agency's obligation to place a student with a disability in a regular classroom if FAPE can be provided in that setting.

#### Free Appropriate Public Education

The provision of a free appropriate public education based on the unique needs of the child is at the heart of the IDEA. Similarly, the section 504 regulation at 34 CFR 104.33–104.36 contains free appropriate public education requirements, which are also applicable to local educational agencies serving children who are deaf. A child is receiving an appropriate education when all of the requirements in the statute and the regulations are met. The Secretary believes that full consideration of the unique needs of a child who is deaf will help to ensure the provision of an appropriate education. For children who are eligible under Part B of the IDEA, this is accomplished through the IEP process. For children determined to be handicapped under section 504, implementation of an individualized education program developed in accordance with Part B of the IDEA is one means of meeting the free appropriate public education requirements of the section 504 regulations.

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[1] "The present status of education for persons who are deaf in the United States is unsatisfactory. Unacceptably so. This is the primary and inescapable conclusion of the Commission on Education of the Deaf." Commission on Education of the Deaf: Toward Equality: Education of the Deaf. (February 1988)

[2] As stated in the IDEA, the purpose of the Act is:

* * * to assure that all children with disabilities have available to them * * * a free appropriate public education which emphasizes special education and related services designed to meet their unique needs * * *. (20 U.S.C. sec. 1400(c).

In addition, the section 504 regulations state:

A recipient [of federal financial assistance] that operates a public elementary or secondary education program shall provide a free appropriate public education to each qualified handicapped person * * * regardless of the nature of severity of the person's handicap. 34 CFR § 104.33(a)

[3] Thomas E. Allen, "Patterns of Academic Achievement Among Hearing Impaired Students: 1974 and 1983," in Deaf Children in America 162–164 (Arthur N. Schildroth and Michael A. Karchmer, eds. San Diego: College-Hill Press (1986))

As part of the process of developing an individualized education program (IEP) for a child with disabilities under the IDEA, State and local education agencies must comply with the evaluation and placement regulations at 34 CFR 300.530–300.534. In meeting the individual education needs of children who are deaf under section 504, LEAs must comply with the evaluation and placement requirements of 34 CFR 104.35 of the Section 504 regulation, which contain requirements similar to those of the IDEA. However, the Secretary believes that the unique communication and related needs of many children who are deaf have not been adequately considered in the development of their IEP's. To assist public agencies in carrying out their responsibilities for children who are deaf, the Department provides the following guidance.

The Secretary believes it is important that State and local education agencies, in developing an IEP for a child who is deaf, take into consideration such factors as:

1. Communication needs and the child's and family's preferred mode of communication;
2. Linguistic needs;
3. Severity of hearing loss and potential for using residual hearing;
4. Academic level; and
5. Social, emotional, and cultural needs, including opportunities for peer interactions and communication.

In addition, the particular needs of an individual child may require the consideration of additional factors. For example, the nature and severity of some children's needs will require the consideration of curriculum content and method of curriculum delivery in determining how those needs can be met. Including evaluators who are knowledgeable about these specific factors as part of the multidisciplinary team evaluating the student will help ensure that the deaf student's needs are correctly identified.

Under the least restrictive environment (LRE) provision of IDEA, public agencies must establish procedures to ensure that "to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." [4] The section 504 regulation at 34 CFR § 104.34 contains a similar provision.

The Secretary is concerned that the least restrictive environment provisions of the IDEA and Section 504 are being interpreted, incorrectly, to require the placement of some children who are deaf in programs that may not meet the individual student's educational needs. Meeting the unique communication and related needs of a student who is deaf is a fundamental part of providing a free appropriate public education (FAPE) to the child. Any setting, including a regular classroom, that prevents a child who is deaf from receiving an appropriate education that meets his or her needs, including communication needs, is not the LRE for that individual child.

Placement decisions must be based on the child's IEP.[5] Thus, the consideration of LRE as part of the placement decision must always be in the context of the LRE in which appropriate services can be provided. Any setting which does not meet the communication and related needs of a child who is deaf, and therefore does not allow for the provision of FAPE, cannot be considered the LRE for that child. The provision of FAPE is paramount, and the individual placement determination about LRE is to be considered within the context of FAPE.

The Secretary is concerned that some public agencies have misapplied the LRE provision by presuming that placements in or closer to the regular classroom are required for children who are deaf, without taking into consideration the range of communication and related needs that must be addressed in order to provide appropriate services. The Secretary recognizes that the regular classroom is an appropriate placement for some children who are deaf, but for others it is not. The decision as to what placement will provide FAPE for an individual deaf child—which includes a determination as to the LRE in which appropriate services can be made available to the child—must be made only after a full and complete IEP has been developed that addresses the full range of the child's needs.

The Secretary believes that consideration of the factors mentioned above will assist placement teams in identifying the needs of children who are deaf and will enable them to place children in the least restrictive environment appropriate to their needs.

The overriding rule regarding placement is that placement decisions must be made on an individual basis.[6] As in previous policy guidance, the Secretary emphasizes that placement decisions may not be based on category of disability, the configuration of the delivery system, the availability of educational or related services, availability of space, or administrative convenience.

States and school districts also are advised that the potential harmful effect of the placement on the deaf child or the quality of services he or she needs must be considered in determining the LRE.

The Secretary recognizes that regular educational settings are appropriate and adaptable to meet the unique needs of particular children who are deaf. For others, a center or special school may be the least restrictive environment in which the child's unique needs can be met. A full range of alternative placements as described at 34 CFR 300.551(a) and (b)(1) of the IDEA regulations must be available to the extent necessary to implement each child's IEP. There are cases when the nature of the disability and the individual child's needs dictate a specialized setting that provides structured curriculum or special methods of teaching. Just as placement in the regular educational setting is required when it is appropriate for the unique needs of a child who is deaf, so is removal from the regular educational setting required when the child's needs cannot be met in that setting with the use of supplementary aids and services.

**Procedural Safeguards**

One important purpose of the procedural safeguards required under part B and the section 504 regulations is to ensure that parents are knowledgeable about their rights and about important decisions that public agencies make, such as placement decisions. Under the section 504 regulations at 34 CFR 104.36, a public agency must establish a system of procedural safeguards that includes, among other requirements, notice to parents with respect to placement decisions. Compliance with the part B procedural safeguards is one means of meeting the requirements of the section 504 regulations. Under part B, before a child is initially placed in special education the child's parents must be given written notice and must consent to the placement. The part B regulations at 34 CFR 300.500(a) provide that consent

[4] 20 U.S.C. sec. 1412(5)(B).

[5] 20 U.S.C. sec. 1401(18); see also 34 CFR 300.552(a)(2), and 34 CFR 104.33(b)(2).

[6] 34 CFR 300.552 Comment. See also appendix A to 34 CFR 104.24.

means that parents have been fully informed of all information relevant to the placement decision. The obligation to fully inform parents includes informing the parents that the public agency is required to have a full continuum of placement options available to meet the needs of children with disabilities, including instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions.

The part B regulations at 34 CFR 300.504–300.505 also require that parents must be given written notice a reasonable time before a public agency proposes to initiate or change the identification, evaluation, educational placement or provision of a free appropriate public education to the child. This notice to parents must include a description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected. The requirement to provide a description of any option considered includes a description of the types of placements that were actually considered, e.g., special school or regular class, as well as any specific schools that were actually considered and the reasons why these placement options were rejected. Providing this kind of information to parents will enable them to play a more knowledgeable and informed role in the education of their children.

**Authority:** 20 U.S.C. 1411–1420; 29 U.S.C. 794.

Dated: October 26, 1992.

**Lamar Alexander,**

*Secretary.*

[FR Doc. 92–26319 Filed 10–29–92; 8:45 am]

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federal register

Friday
October 30, 1992

Part VII

# Environmental Protection Agency

40 CFR Part 261

Hazardous Waste Management System; Definition of Hazardous Waste; "Mixture" and "Derived-From" Rules; Final and Proposed Rule

**Environmental Protection Agency**

**40 CFR Part 261**

**[FRL-4528-8]**

## Hazardous Waste Management System; Definition of Hazardous Waste; "Mixture" and "Derived-From" Rules

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** This action responds to public comment on two proposals (57 FR 7636, March 3, 1992, and 57 FR 21450, May 20, 1992) to modify EPA's hazardous waste identification rules under the Resource Conservation and Recovery Act (RCRA). Because of the large number of comments received by the Agency and the need to evaluate all of the technical information provided by the public, EPA is today removing the April 28, 1993 expiration date from its reinstatement of the "mixture" and "derived-from" rules published on March 3, 1992 (see 57 FR 7628). This action will assure continuity of the existing national hazardous waste program while EPA determines the most appropriate approach for modification of the rules.

**EFFECTIVE DATE:** Pursuant to Section 3010(b)(1) of RCRA, this rule is effective on October 30, 1992.

**FOR FURTHER INFORMATION CONTACT:** For general information on EPA's hazardous waste rules, contact the RCRA/Superfund Hotline at (800) 424–9346 or (703) 920–9810. For technical information on this rule contact Mr. William A. Collins, Jr., Office of Solid Waste (OS–333), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260–4791.

**SUPPLEMENTARY INFORMATION:** On March 3, 1992, EPA published an interim final rule reinstating its "mixture" and "derived-from" rules under RCRA (see 57 FR 7628). This reinstatement was in response to a December 6, 1991 decision of the United States Court of Appeals for the District of Columbia Circuit in which the Court vacated the "mixture" and "derived-from" rules due to notice-and comment deficiencies in the 1980 promulgation of these rules (*Shell Oil Company* v. *EPA*, 950 F.2d 741 DC Cir. 1991)). The "mixture" and "derived-from" rules address when listed hazardous waste which is mixed with other wastes or otherwise managed after generation can be determined to no longer be hazardous. At the Court's suggestion, EPA reinstated the rules on an interim basis and solicited comment on these rules both in the reinstatement and a lengthy proposal published on May 20, 1992 (57 FR 21450). Because at the time of reinstatement EPA believed that revisions to these rules could be completed by April 28, 1993, the notice included a termination date or "sunset provision" of April 28, 1993 in the reinstated "mixture" and "derived-from" rules (40 CFR 261.3(e)).

EPA received an enormous volume of public comments and technical information on these proposals, and many of the commenters expressed serious concern over the "sunset provision," doubted whether the Agency could develop adequate revisions to these rules in such a timeframe, and urged EPA to maintain the *status quo* by retaining the "mixture" and "derived-from" rules until revisions could be made. Many of commenters were States, who are also responsible for implementing the RCRA program. Although some industry commenters urged the Agency to retain the "sunset provision" and issue revised rules in whole or in part by the April 28, 1993 date, most conceded that such revisions would be unlikely given the complexity of issues and the relatively short timeframe.

For the reasons discussed in the reinstatement notice (which were supported by many of the commenters on the proposals), EPA continues to believe that the Agency must assure continuity of the hazardous waste program while developing appropriate revisions. Therefore, in response to those commenters who urged the Agency to provide additional time for evaluation of revisions to the "mixture" and "derived-from" rules and who expressed concern about the expiration date, EPA is removing the "sunset provision" from its hazardous waste identification rules. Accordingly, the "mixture" and "derived-from" rules remain in effect until EPA takes final action to revise these rules.

EPA intends to promulgate revisions to the "mixture" and "derived-from" rules in 12 to 24 months. Today's action is intended to assure that EPA will have sufficient time to obtain and evaluate advice and technical data from all interested parties before making these final revisions to its hazardous waste identification program. The Agency is evaluating comments received to date and intends to have further discussions with interested parties. In a separate notice in today's **Federal Register**, EPA is withdrawing the proposed Hazardous Waste Identification Rule (HWIR) published on May 20, 1992.

### Compliance with Regulatory Requirements

*1. Effective date*

Section 3010(b)(1) of RCRA allows EPA to promulgate an immediately effective rule where the Administrator finds that the regulated community does not need additional time to come into compliance with the rule. Because today's action merely preserves the continuity of existing hazardous waste identification rules while EPA fully considers alternatives, the regulated community does not need additional time to come into compliance. For that reason, EPA also believes that it has good cause to promulgate an immediately effective rule under the Administrative Procedures Act, 5 U.S.C. 553(d)(3).

*2. Executive Order 12291*

Under Executive Order 12291, EPA must determine whether a regulation is "major" and therefore subject to the requirement to perform a regulatory impact analysis (RIA). This rule preserves existing rules during an interim period of time. EPA estimates that the cost savings of alternatives discussed in the proposal published on May 20, 1992 (57 FR 21450) would range from $60 million to $1.8 billion per year. In developing revisions to the mixture and derived-from rules, EPA will complete an RIA of all the alternatives that will be considered in developing a final rule. Therefore, EPA will prepare an RIA during the development of the modifications to the "mixture" and "derived-from" rules, which EPA expects to promulgate within the next 12 to 24 months.

*3. Regulatory Flexibility Act*

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires EPA and other agencies to prepare a regulatory flexibility analysis for regulations that have a significant impact on a substantial number of small entities. No regulatory flexibility analysis is required, however, where the head of the Agency certifies that the rule will not have such an impact. Because today's rule merely preserves existing rules while EPA fully considers alternatives, the Administrator of EPA hereby certifies that the regulation will not have a significant impact on a substantial number of small entities.

*4. Paperwork Reduction Act*

This rule contains no information collection requirements which need approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

**List of Subjects in 40 CFR Part 261**

Hazardous waste, Recycling, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, title 40 of the Code of Federal Regulations is amended as follows:

## PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

**Authority:** 42 U.S.C. 6905, 6912(a), 6921, and 6922.

**§ 261.3 [Amended]**

2. In 261.3, paragraph (e) is removed.

Dated: October 26, 1992.

**William K. Reilly,**

*Administrator.*

[FR Doc. 92–26397 Filed 10–29–92; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 261**

**[FRL-4528-7]**

## Hazardous Waste Management System; Definition of Hazardous Waste; Mixture and Derived From Rules

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of withdrawal of proposed rule.

**SUMMARY:** This action withdraws a proposed regulation (May 20, 1992; 57 FR 21450) to modify the hazardous waste identification rules under the Resource Conservation and Recovery Act (RCRA). The proposal presented a range of alternatives for revising the identification of wastes that warrant regulation under subtitle C of RCRA, including a proposal for Concentration Based Exemption Criteria (CBEC) and an Expanded Characteristics Option (ECHO). The proposal also addressed issues related to regulation of contaminated media and contingent management of wastes that may be hazardous if improperly disposed.

EPA is withdrawing this proposal because many parties that would be affected by EPA's decision on a final rule raised a broad range of policy and technical issues which the Agency believes must be addressed. Therefore, EPA will address in future proposed rules these issues raised through comment on the withdrawn HWIR proposal.

**FOR FURTHER INFORMATION CONTACT:** For general information on EPA's hazardous waste rules contact the RCRA/Superfund hotline at 800-424-9346 or 703-920-9810. For technical information on this rule contact Mr. William A. Collins, Office of Solid Waste (OS-333), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, 202-260-4791.

**SUPPLEMENTARY INFORMATION:** On March 3, 1992, EPA published an interim final rule reinstating its "mixture" and "derived-from" rules under RCRA (see 57 FR 7628). This reinstatement was in response to a December 6, 1991 decision of the United States Court of Appeals for the District of Columbia Circuit in which the Court vacated the "mixture" and "derived-from" rules due to notice-and-comment deficiencies in the 1980 promulgation of these rules (*Shell Oil Company* v. *EPA*, 950 F.2d 741(DC Cir. 1991)). The "mixture" and "derived-from" rules address when listed hazardous waste either mixed with other wastes or otherwise managed after generation, is hazardous waste. At the Court's suggestion, EPA reinstated the rules on an interim final basis and solicited comment on these rules both in the reinstatement and in a lengthy proposal published on May 20, 1992 (57 FR 21450) called the Hazardous Waste Identification Rule (HWIR). Today's action formally withdraws the HWIR proposal.

The proposed HWIR presented a range of alternatives for revising identification of solid wastes that warrant regulation as hazardous waste under subtitle C of RCRA, including proposal of a Concentration Based Exemption Criteria (CBEC) as well as an Expanded Characteristics Option (ECHO).

EPA's decision not to move forward with the proposed HWIR comes after outreach to the many parties that would be affected by EPA's decision on a final rule. There were a broad range of policy and technical issues raised to EPA in comments on HWIR. EPA has determined that a new proposal is needed to assure that a rulemaking on these important issues is appropriate and has a sound technical basis.

Elsewhere in today's **Federal Register**, EPA is issuing in final one portion of the proposal; that is, the Agency deleting a "sunset" provision which would have caused the interim final "mixture" and "derived-from" rules to expire on April 28, 1993. Therefore, the mixture and derived from rules remain in effect as interim final rules, and are unaffected by this notice.

EPA plans to hold a series of public meetings to solicit input on how best to ensure that waste mixtures containing hazardous wastes and wastes derived from the treatment, storage or disposal of hazardous wastes do not pose unreasonable risks to health and the environment. This effort will complement EPA's ongoing program to improve RCRA regulations. In these public meetings, participants will be asked to discuss with EPA appropriate procedures and standards to govern safe management of mixtures and derivatives of hazardous waste. EPA intends for this effort to result in a more risk-based RCRA program. EPA also will solicit additional input on how to best address cleanup wastes under these rules.

Consistent with Public Law 102-389 (October 6, 1992), EPA intends to propose and promulgate revisions to the "mixture" and "derived-from" rules in 12 to 24 months. The Agency will prepare an appropriate regulatory impact analysis (RIA) as part of this rulemaking.

Dated: October 26, 1992.

**William K. Reilly,**

*Administrator.*

[FR Doc. 92-26398 Filed 10-29-92; 8:45 am]

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Friday
October 30, 1992

Part VIII

# Department of Labor

## Office of Labor-Management Standards

29 CFR Parts 402 and 403

Labor Organization Annual Financial Reports; Abbreviated Annual Financial Reports for Small Labor Organizations; Final Rules

**DEPARTMENT OF LABOR**

**Office of Labor-Management Standards**

**29 CFR Parts 402 and 403**

**RIN 1294-AA07**

## Labor Organization Annual Financial Reports

**AGENCY:** Office of Labor-Management Standards, Labor.

**ACTION:** Final rule.

**SUMMARY:** This final rule revises the regulations pertaining to the filing, by labor organizations, of annual financial reports required by the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA). The rule modifies the references to reporting forms, Forms LM–2 and LM–3 in the regulations, to require that certain expenditures be attributed and reported by function classification. The rule also permits labor organizations to complete the annual financial reports on either the cash or the accrual basis. In addition, the rule raises the ceiling for filing the simplified annual financial report, Form LM–3. Finally, the rule modifies the instructions accompanying the requisite reporting forms in accordance with changes to those forms and to clarify the reporting requirements.

**EFFECTIVE DATE:** December 31, 1993.

**FOR FURTHER INFORMATION CONTACT:** Marshall J. Breger, Acting Assistant Secretary for Labor-Management Standards, U.S. Department of Labor, 200 Constitution Avenue, NW., room S–2203, Washington, DC 20210, (202) 219–8174. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:**

The following is the outline of this discussion.



### I. Background and Overview

Section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959, as amended (Pub. L. 86–257, 73 Stat. 519) (hereinafter the LMRDA), requires each covered labor organization to file annually with the Secretary of Labor a financial report, signed by its president and treasurer or corresponding principal officers, containing information in the detail necessary to disclose accurately its financial condition and operations for the preceding fiscal year. The Secretary of Labor has delegated her authority under the LMRDA to the Assistant Secretary for Labor-Management Standards. See Secretary's Order No. 3–84 (49 FR 20578).

The requirements of LMRDA section 201(b) apply to all labor organizations in the private sector. In addition, section 1209(b) of the Postal Reorganization Act (Pub. L. 91–375, 84 Stat. 737), makes the LMRDA applicable to labor organizations which represent employees of the U.S. Postal Service, and the regulations implementing section 701 of the Civil Service Reform Act of 1978 (Pub. L. 95–454, 92 Stat. 1192) and section 1017 of the Foreign Service Act of 1980 (Pub. L. 96–465, 94 Stat. 2140), at 29 CFR 458.3, extend the LMRDA reporting requirements to labor organizations which represent certain employees of the federal government.

Section 208 of the LMRDA authorizes the Secretary to issue rules prescribing the form and publication of the annual financial reports required by section 201(b), and to provide a simplified report for labor organizations for whom the Secretary finds that by virtue of their size a detailed report would be unduly burdensome. Under the current regulations issued pursuant to section 208, the Secretary has prescribed Form LM–2 for labor organizations with total annual receipts of $100,000 or more, and the simplified Form LM–3 for labor organizations with total annual receipts of less than $100,000. (The current regulations at 29 CFR 403.4(b) also provide that for a labor organization which is not in trusteeship and which has no assets, liabilities, receipts, or disbursements, the parent national or international may fulfill that organization's reporting obligation by filing basic information on its behalf in a simplified format.)

On April 17, 1992, the Department of Labor published a proposed rule in the **Federal Register**, 57 FR 14244, to revise the regulations implementing the reporting requirements of the LMRDA and to revise the forms and instructions prescribed by the Secretary and incorporated by reference in the regulations. In particular, the Department proposed to make two changes in the kinds of information required by Forms LM–2 and LM–3. First, labor organizations would be required to utilize functional categories to report expenses in addition to the object categories currently used in the Forms LM–2/3. The reason for making this proposal was that functional reporting would provide labor organization members and the public with information that would permit a better, and clearer, qualitative assessment of labor organization activities and expenses.

The second proposed change in the information required by Forms LM–2/3 was that labor organizations would report financial information on an accrual basis using generally accepted accounting principles (GAAP) rather than the current, predominantly cash, basis. The reason for making this proposal was that accrual accounting generally provides a more accurate indication of an organization's financial condition and operations.

In addition, the Department proposed to raise the threshold for filing the simplified Form LM–3 from the current $100,000 in total annual receipts to $200,000. Finally, in order to further reduce the reporting burden on small labor organizations, the Department asked for comments on whether an additional abbreviated reporting form should be developed for labor organizations with minimal receipts and/or assets (e.g., less than $5,000 or $10,000).

Public comment on the proposed rule was invited, with the comment period ending on June 16, 1992. The comments, the Department's responses, and the revisions made to the proposal are discussed in sections II. and III. below. Briefly, the Department has decided, first, to revise forms LM–2/3 to require reporting by function; the specific requirements have been modified to reduce the reporting burden as discussed below. Second, the Department has decided not to require reporting by the accrual method of accounting; the revised Forms LM–2/3 retain the current cash reporting format, but each labor organization will be allowed to prepare its Form LM–2/3 using either the cash or accrual method of accounting, depending upon the accounting method in which it maintains its books and records. Third, the ceiling for filing the simplified Form LM–3 is changed from $100,000 to $200,000 in total annual receipts as in the proposal. Finally, to further reduce the reporting

burden, the Department is publishing elsewhere in this separate part of the Federal Register a final rule adopting a new, abbreviated report, Form LM–4, for labor organizations with total annual receipts less than $10,000.

## II. Comments on the Proposal

Forty-one timely comments were received from the public. Twenty-seven were from labor organizations, seven were from accountants and accounting firms whose clients include labor organizations, four were from other organizations, two were from Congressmen, and one was from a private individual who is a former employee of this agency, the Office of Labor-Management Standards. Seven of the comments from labor organizations and accountants were identical.

The AFL–CIO and the following national and international labor organizations commented on the proposed rule:

—Electrical Workers, UE;
—Roofers;
—Transit Union;
—Ladies Garment Workers;
—Utility Workers;
—Service Employees;
—Letter Carriers;
—Chemical Workers;
—Air Line Pilots;
—Transportation Communications Union;
—Western Pulp and Paper Workers;
—Teamsters;
—American Foreign Service Association;
—National Federation of Federal Employees;
—Postal Workers;
—National Education Association; and
—Fire Fighters.

Other labor organizations which commented on the proposal are:

—National Union of Labor Investigators;
—Local 589, Operating Engineers;
—Local 16, Communications Workers;
—Local 604–605, Postal Workers;
—Local 150, Operating Engineers (two comments);
—Local 550, Painters;
—Local 383, Electrical Workers, IBEW; and
—Local 512, Transport Workers.

Accountants and accounting firms which commented on the proposed rule are:

—Bond, Beebe, Barton & Muckelbauer;
—Pro Finance;
—Graff, Ballauer & Company;
—Cal Snyder;
—Lockitch, Clements & Rice;
—Buckbinder Tunick & Company; and
—Lindquist & Company.

Other organizations which commented on the proposed rule are:

—The Associated Builders and Contractors;
—Citizens for a Sound Economy;
—The National Right To Work Legal Foundation; and
—The National Right To Work Committee.

Congressmen who commented on the proposed rule are:

—William D. Ford (D-MI), Chairman, Committee on Education and Labor; and
—Peter J. Visclosky (D-IN).

The Department has carefully reviewed and considered all statements made in the comments in developing this final rule. The following is a summary of the comments and the Department's responses.

### *A. Functional Reporting*

All of the labor organizations, accountants, and Congressmen who commented on the proposal to require functional reporting, which was virtually all these commenters, opposed this part of the proposal. In general, these comments:

—Questioned the Department's authority to require functional reporting under the LMRDA;
—Questioned the relevance of the Department's reliance on GAAP in proposing functional reporting;
—Questioned whether functional reporting actually provides greater and more useful information so that members can more effectively regulate the internal affairs of their labor organizations, as stated in the proposal; and
—Raised many concerns about the feasibility of functional reporting and its cost to labor organizations and their members.

The four other organizations supported this proposal. In general, these comments stated that functional reporting will:

—Provide important information to members as to how their labor organizations spend their money and help ensure that compulsory dues money is not spent on political or frivolous purposes;
—Help employees in exercising their constitutional and statutory rights to refrain from associating with their exclusive representative;
—Fulfill the U.S. government's obligation to ensure that exclusive representatives discharge their duties of fair representation to the employees they have the privilege of representing; and
—reflect modern accounting principles, which make functional reporting necessary/appropriate, and modern computer capability, which makes it practical and not burdensome.

The following is a detailed summary of the comments on the proposed functional reporting requirement and the Department's responses.

#### 1. Enforcement of Beck

A number of comments reflected a misunderstanding that the Department's goal in proposing to require functional reporting is primarily to implement the decision of the Supreme Court in *Communications Workers of America* v. *Beck*, 487 U.S. 735 (1988), and other Court decisions regarding the limitations on the use made by labor organizations of compulsory dues and fees of objecting nonmember employees (or "financial core members"). In Beck, the Court held that it is a violation of the National Labor Relations Act (NLRA) for a labor organization to make expenditures, from agency fees received from objecting nonmember employees as a condition of employment, for purposes other than those relating to collective bargaining, contract administration, and grievance adjustment; nonmember employees who object to expenditures for other purposes may not be charged for such expenditures as a condition of employment. Earlier Court decisions dealt with these issues in connection with the Railway Labor Act and with the constitutionality of comparable state laws. The NLRA is administered in part by the National Labor Relations Board (NLRB). In this connection it is noted that the NLRB is in the process of developing rules regarding the enforcement of Beck, 57 FR 43635 (September 22, 1992) and 57 FR 47023 (October 14, 1992).

Although the Department's notice of proposed rulemaking referred to Beck and the other Court decisions, the reference was to make the point that the "case law clearly demonstrates that functional reporting offers a fuller picture of labor organization expenditures, and permits qualitative as well as quantitative assessments as to those disbursements." 57 FR 14245. The Department's goal in proposing functional reporting was that the "fuller picture" it offers would foster "[t]he overarching purpose of the financial reporting provisions of the LMRDA * * * to insure disclosure of financial operations of labor organizations to their members. Congress was convinced that union self-government could be achieved if members were provided sufficient information to permit them to take effective action in regulating internal union affairs." 57 FR 14244–5.

While the purposes of functional reporting and the Beck requirements are consonant, the Department did not intend to imply that the purpose of the functional reporting was to implement Beck. In the Department's view, it would be impractical to require on Forms LM–2/3 that expenditures be reported in terms of whether they are chargeable to objecting nonmember employees because this would require frequent modification of the categories contained in the reporting forms in response to decisions of the courts and the NLRB, and because some functional categories may contain both chargeable and nonchargeable expenditures. In addition, the Department believes that decisions regarding the chargeability of expenditures are the province of the courts and the NLRB.

A number of comments correctly observed that the functional categories in the proposed rule are not necessarily consistent with the categories that have been and may be required by the courts and the NLRB, and that information provided on Forms LM–2/3 will not substitute for the notice to objecting nonmember employees that is required by Beck and the other Court decisions. Some comments from the organizations which support functional reporting recommended that the functional categories, and the descriptions and reporting instructions for those categories, be revised to reflect whether or not expenditures are chargeable to objecting nonmember employees. Some comments from those opposed to functional reporting argued that the proposal goes beyond the requirements of the court decisions by requiring reporting in both functional and object class categories; one of these comments recommended that, if functional reporting is to be required, it be limited to reporting expenditures as either chargeable or nonchargeable. In addition, several comments from those opposed to functional reporting stated that the Department does not have the authority to enforce Beck and the related court decisions, which deal with the rights of nonmember employees under the NLRB, state laws, and the U.S. constitution, whereas the LMRDA deals with the rights of labor organization members.

Other comments contain statements that not many labor organizations or employees/members are affected by Beck and the other Supreme Court decisions—few members or nonmember employees have objected to the use of their dues/agency fees, many labor organizations do not have union-security agreements, and many are not permitted to have union-security agreements, and many are not permitted to have union-security agreements (labor organizations in states with "right to work" laws, and postal and federal sector labor organizations). These comments are not pertinent because the goal of functional reporting is not to provide objecting nonmember employees with information about their Beck rights; the purpose is to provide members and the general public, which necessarily include nonmember employees, with better disclosure of financial information as to the use of funds for the most common activities of labor organizations.

The Department has concluded that functional reporting is clearly within the authority granted to the Secretary to require reporting "in such detail as may be necessary accurately to disclose [a labor organization's] financial condition and operations * * *." LMRDA section 201(b), 29 U.S.C. 431(b). The Department has also concluded, despite the questions and concerns raised by the comments, that functional reporting will provide important information to members to assist them in regulating internal union affairs, one of the primary purposes of the LMRDA. Finally, the Department has concluded, as indicated above, that it would be impractical and inappropriate to require reporting in terms of whether expenditures are chargeable to objecting nonmember employees.

Consequently, the Department has decided to require functional reporting along the lines set forth in the proposal, that is, certain expenditures in the object categories must be allocated among several common functions or activities of labor organizations regardless of whether the courts or the NLRB have or will consider expenditures for those functions to be chargeable in whole or in part to objecting nonmember employees. However, in response to the comments, the functional reporting requirement adopted in this final rule has been modified from that set forth in the proposal, as discussed in section III. A. below, to reduce the reporting burden.

2. Imprecisions in Allocating Expenditures by Function

A number of comments stated that allocating expenditures by function would be imprecise, at the least, and perhaps arbitrary and misleading. Most of these comments conclude, therefore, that functional reporting is not feasible and should not be required. In addition, there were several specific comments about allocation methods and standards:

—One comment recommended that, if functional reporting is to be required, the Department establish a method for allocating expenditures;

—One comment stated that it is unreasonable and burdensome to require an explanatory statement on the allocation method because this would have to be very long and detailed;

—One comment recommended that the Department impose the strictest standards for allocation methods to ensure that expenditures are reported in the proper functional categories.

The Department recognizes that there is not a single generally applicable method of allocating expenditures by function, and that functional reporting will entail the considerable exercise of judgment. The Supreme Court has stated that "[a]bsolute precision in the calculation of such proportion [of expenditures chargeable to objecting nonmember employees] is not, of course, to be expected or required; we are mindful of the difficult accounting problems that may arise." *Railway Clerks* v. *Allen*, 373 U.S. 113, 122 (1963). The same can be said for the proposed functional reporting requirement. It is for this reason that the Department's proposal did not prescribe an allocation method or standard, but merely required that whatever allocation method was used be consistent from year to year, systematic, and reasonable. The Department does not envision the explanations of allocation methods to be excessively long and detailed, but merely sufficient to generally provide the assumptions and procedures used to arrive at the amounts entered on the Forms LM–2/3.

The Department has concluded that despite some limitations on the precision of functional reporting, it will provide useful information to labor organization members and the public. The Department has also concluded that functional reporting is not inherently infeasible as some comments argued. In fact, many labor organizations are required by court decisions to develop and maintain accounting systems to enable them to provide financial information on a functional basis.

3. Cost/Burden of Functional Reporting

Most of the comments which opposed the proposed functional reporting requirement stated that functional reporting would impose great burdens and costs on labor organizations and their members. Some of these comments are that:

—Functional reporting will require extensive assistance from professional accountants; labor organizations which do not have the assistance of professional accountants will have to hire them; and labor organizations which currently use professional accountants will have their accountant fees increased 25% to 40%;
—The costs and burdens will be especially great for smaller labor organizations which do not have professional accountants and which may find it even more difficult to find members willing to volunteer to be unpaid officers;
—Labor organizations will have to revise their automated systems, computer hardware/software, and officer and employee training programs which they developed to complete the current Forms LM–2/3;
—Many labor organizations will have a double burden in maintaining records and preparing reports required by the Supreme Court decisions and those required by the LMRDA; and
—The extra costs imposed by functional reporting would have to be borne by the members themselves, even though they have not requested functional reporting.

In making the proposal to require functional reporting, the Department was concerned with the costs of compliance to labor organizations. For this reason, the selection of an allocation method was left up to the reporting organization, as long as that method was consistent from year to year, systematic, and reasonable. Moreover, in response to the comments and the Department's concern about the reporting burden, the Department has taken two additional steps to reduce the burden of functional reporting: (1) The number of functional entries to be reported has been reduced 50% by reducing the number of functional categories and the number of expenditures which must be allocated; and (2) as noted above, an abbreviated Form LM–4 without the functional reporting requirement has been developed for small labor organizations with less than $10,000 in total annual receipts.

In the judgment of the Department, the benefits of functional reporting far outweigh the potential increase in costs. On the one hand, functional reporting will provide useful information to members and the public. On the other hand, the costs of functional reporting on Forms LM–2/3 should not be exaggerated; the Form LM–2/3 reporting requirement must be considered in light of the fact that some form of functional reporting is already required of many labor organizations under the Supreme Court decisions, and the Department has taken several steps to reduce the reporting burden of the proposed forms, both generally and also specifically with regard to functional reporting.

4. Limit Functional Reporting to Certain Labor Organizations

Many of the comments from those opposed to the proposed functional reporting requirement stated that if the requirement is implemented, it should be limited to certain labor organizations. A number of these comments suggested limiting the requirement to labor organizations which have a union security agreement, to labor organizations which have objecting nonmember employees, or at least to labor organizations which are not prohibited by law from negotiating union security agreements. Other comments suggested that the functional reporting requirement be limited to national and international parent labor organizations because most subordinate labor organizations either do not have many nonchargeable expenditures or their functional expenditures would mirror those of their parent bodies. Other comments suggested that the functional reporting requirement be limited to labor organizations with total annual receipts above a certain level. As discussed above, many of these comments were based, at least in part, on the misunderstanding that the purpose of functional reporting is to enforce Beck rather than to obtain improved disclosure from labor organizations generally.

The Department has concluded that the functional reporting requirement should apply to all labor organizations reporting on Forms LM–2/3 so that information on the functional expenditures of each such labor organization is available to its members and the general public. In addition, it would be impractical and contrary to the intent of the LMRDA to have different reporting requirements for different labor organizations based on any factor other than size.

5. The Functional Categories

Many comments were received regarding the specific functional categories into which expenditures are to be allocated. A number of comments suggested that labor organizations be allowed to determine the functional categories based on their activities, rather than compelling all labor organizations to use the same categories which may not relate to actual organizational functions. A number of comments stated that the Department, by requiring specific categories for functional reporting, was in effect dictating how labor organizations should prepare their budgets and therefore intervening excessively into internal union affairs.

The Department has concluded that it would be impractical and inconsistent with the LMRDA to allow labor organizations to in effect prescribe their own reporting forms, even in part. In addition, the Department does not agree that the prescription of functional reporting categories in this final rule, which are based on common labor organization activities, will result in any impact on the ability of labor organizations to establish their own budgets and program. Labor organizations will still be able to establish their own budgets and programs independent of the functional reporting required by this final rule.

A number of comments suggested that labor organizations not be required to allocate certain kinds of expenditures, such as per capita tax, for which allocation would be impractical if not impossible. The Department agrees with this suggestion, and has reduced the number of expenditures which must be allocated.

As discussed above, many comments made suggestions about the functional categories based on the misunderstanding that the purpose of functional reporting is primarily to implement *Beck*; for example, that the functional categories be limited to chargeable and nonchargeable, that the categories be more closely tied to whether expenditures are chargeable, etc. As stated above, these suggestions are impractical and inappropriate.

One comment suggested that, if functional reporting is to be required in prescribed categories, there be five categories: collective bargaining, strike benefit payments, administration and management, lobbying and political activity, and other. Finally, a number of comments were made suggesting that (1) certain functional categories be eliminated (for example, safety and health), (2) certain categories be added (for example, servicing members, general and administrative, job targeting), (3) certain categories be combined (for example, political activities and lobbying), (4) certain categories be divided to distinguish chargeable and nonchargeable expenditures (for example, contract negotiation and administration), and (5) the descriptions of activities in certain categories be revised (for example,

political activities and organizing). These comments were carefully considered in revising the functional reporting requirement that was set forth in the proposal. The changes in the functional reporting requirement are discussed in section III. A. below.

*B. Accrual Reporting*

Two of the organizations which were not labor organizations supported the proposal to require reporting on an accrual basis. These comments generally agreed with the statements made in the Department's proposal that accrual reporting provides better information and helps prevent manipulation of accounting data. All of the labor organizations, accountants, and Congressmen who commented on this issue, which was virtually all these commenters, opposed requiring accrual reporting. The thrust of these comments, many of which provided detailed analyses, facts and estimates, is that:

—The Department does not have the authority to require accrual reporting/accounting;
—Most labor organizations do not now use accrual accounting, and requiring them to report on an accrual basis would be substantially more expensive and burdensome, especially for small labor organizations which do not presently use accountants and which may find it even more difficult to find members willing to volunteer to be unpaid officers;
—Labor organizations would have to revise their automated systems, computer hardware/software, and officer and employee training programs which they developed to complete the current Forms LM–2/3;
—Accrual reporting by labor organizations would not differ substantially, if at all, from cash reporting because labor organizations do not generally engage in the type of commercial transactions for which accrual accounting is important;
—Reporting on a cash basis provides information that is generally as accurate as accrual reporting, and perhaps even more accurate since it is not speculative or judgment-based, but based entirely on what transactions have actually taken place;
—Reporting on a cash basis provides information in a form that is more commonly used by officers and other non-accountants, and more readily understood by members and other laypersons; and
—Generally accepted accounting principles (GAAP) do not require accrual reporting by nonprofit organizations.

Many comments also discussed technical problems with the proposed accrual-based forms and instructions.

The Department's notice of proposed rulemaking also asked for comments as to whether labor organizations should be given the option of reporting on a cash basis or an accrual basis. The two organizations which supported requiring labor organizations to report on an accrual basis opposed having an option. All the labor organizations and accountants who commented on this issue, approximately half of all the comments from these sources, recommended that labor organizations have the option of which reporting method to use; many of these comments noted that the Internal Revenue Service (IRS) allows labor organization filers to use either cash or accrual accounting.

The Department believes that it clearly has the authority under the LMRDA to require reporting on an accrual basis, and that accrual reporting provides better and more accurate information generally and especially for larger unions. However, taking cognizance of the comments, the Department has decided that reporting on either a cash or an accrual basis would provide sufficiently accurate information. Therefore, labor organizations will have the option of reporting on either basis provided that the reporting method which a labor organization uses must be the same as the method in which it maintains its books and records.

The revised Forms LM–2/3 have been redesigned to be on a cash basis as were the previous forms. This will facilitate reporting by labor organizations using the cash basis, which the record indicates are more likely to prepare Forms LM–2/3 without the assistance of professional accountants. Also, a schedule for "Other Liabilities" has been added to Form LM–3 to disclose important information that would otherwise be lost by reporting on the cash basis. Accrual filers have been provided guidelines on adapting Forms LM–2/3 for their use. The revisions are set forth in section III. B. below.

*C. Increase in Form LM–3 Ceiling*

All the labor organizations and accountants who commented on this issue, approximately one-third of the comments from these sources, supported raising the ceiling for being eligible to file on the simplified Form LM–3 to total annual receipts of $200,000. Two labor organizations recommended that the ceiling be increased to $500,000. Three comments opposed the proposal to raise the ceiling, with one of these stating that the ceiling should be the same as the IRS Form 990–EZ.

One labor organization recommended that the funds which a labor organization receives for transmittal to an affiliate should not be included in calculating its total receipts to determine whether it is entitled to file simplified Form LM–3. One other organization recommended that in determining whether a labor organization is eligible to file a simplified Form LM–3, there should be maximum levels for assets and for expenditures in addition to receipts.

After reviewing these comments, the Department has decided to adopt the proposal to increase the ceiling for filing simplified Form LM–3 to $200,000 total annual receipts in order to mitigate the increased reporting requirements of other revisions to Forms LM–2/3. The Department has also decided to retain the standard for determining whether a labor organization may file simplified Form LM–3 which has always been used—total receipts of all kinds during the fiscal year.

*D. Form LM–3*

Many of the comments from labor organizations and accountants stated that the proposed Form LM–3 had been expanded so much from the current form that it was no longer "simplified." In this final rule the Department has taken several steps to reduce the reporting burden on labor organizations with total annual receipts less than $200,000. As noted previously, accrual reporting is no longer required, and an abbreviated Form LM–4 has been developed for labor organizations with total annual receipts less than $10,000. In addition, as indicated in section III. C. 3. below, a number of reporting requirements on the proposed Form LM–3 have been eliminated or reduced.

*E. Effective Date*

Thirteen labor organizations and accountants commented on the need to provide sufficient lead time to enable labor organizations to establish and operate new accounting systems to comply with the proposed functional and accrual reporting requirements. One comment asked that the rule not be made retroactive. Nine comments stated that a lead time of at least one year should be provided. One comment stated that the rule should not be effective until 1994, and two comments stated more specifically that the rule should be effective only for fiscal years ending on or after December 31, 1994.

After reviewing these comments, the Department has decided that the effective date will be December 31, 1993, i.e., the revised Forms LM–2/3 must be

filed by labor organizations for fiscal years beginning on and after January 1, 1993. In the Department's judgment, this should provide sufficient time for labor organizations to adapt to the new reporting requirements.

*F. New Abbreviated Form LM–4*

As stated above, in the notice of proposed rulemaking the Department asked for comments as to whether there should be an abbreviated reporting form for small labor organizations with minimal receipts and/or assets, such as total annual receipts less than $5,000 to $10,000. All labor organizations which commented on this issue supported the development of an abbreviated reporting form. Two other organizations stated that an abbreviated reporting form should be part of a separate rulemaking procecure and should not come at the expense of losing important information for members and the general public. One of these comments stated that an abbreviated form could decrease the amount of meaningful information that is disclosed and made several recommendations to minimize this risk, including requiring functional reporting. There were no comments which objected in principle to an abbreviated reporting form.

As stated above, the Department proposed an abbreviated, one-page Form LM–4 for small labor organizations, and is also publishing elsewhere in this separate part of the Federal Register a final rule adopting Form LM–4 with the same effective date as the revised Forms LM–2/3, December 31, 1993. The Form LM–4 does not require functional reporting, and eligibility to use it is based solely on whether total annual receipts are less than $10,000.

*G. Recommendations Requiring Legislative Action*

A number of comments recommended that changes be made in reporting requirements which are established by the LMRDA. These recommendations can therefore only be accomplished through legislation and not through regulatory action:

1. Filing Deadline

Several comments recommended changes in the deadline for filing Forms LM–2/3 because it will take longer to complete the proposed reporting forms than the current forms. Four comments stated generally that there would be a need to allow for an extension of the current filing deadline of 90 days after the end of the reporting organization's fiscal year. Seven comments stated that the filing deadline should be four to five months after the end of the fiscal year, one comment stated that the filing deadline should be the fifteenth day of the fifth month after the end of the fiscal year, and one comment stated that it should be 180 days after the end of the fiscal year. However, the LMRDA requires that the annual financial report be filed within 90 days after the end of the reporting organization's fiscal year; there is no statutory provision authorizing extensions of this filing deadline.

2. Loans over $250 To Officials And Members

One comment stated that the requirement to disclose by name any loan over $250 to an officer, employee, or member is antiquated by contemporary standards, and the amount should be increased. However, the LMRDA requires disclosure of loans to officers, employees, and members which total $250 or more during the fiscal year.

3. Listing Employees Who Received More Than $10,000

Three comments stated generally that the requirement to list by name any employee who received more than $10,000 from the reporting organization and any affiliate should be revised. One comment stated that the $10,000 amount should be increased to a level that would include only top employees, and one suggested $50,000 as an appropriate amount. However, the LMRDA specifically establishes the $10,000 amount.

*H. Technical Comments*

A number of comments referred to technical problems with the proposed reporting forms and instructions relating to accrual reporting. These problems are no longer pertinent since the forms and instructions have been converted back to a cash basis.

One comment recommended that the threshold for reporting on individual investments in Schedule 2 of Form LM–2, "Other Investments," be increased from the current $1,000. However, the threshold for reporting individual investments requires not only that the investment value be $1,000, but also that it be greater than 20% of the total value of all the labor organization's investments. Therefore, the Department has concluded that no change is necessary.

A number of comments recommended revisions to the proposed reporting forms and/or instructions to clarify the existing and proposed reporting requirements. A number of these suggestions were adopted, and the Department has made additional changes to clarify the forms and instructions. These clarifying changes are listed in section III. D. below.

There were also a number of comments suggesting that labor organizations be required to provide additional details in their reports. Examples of these recommendations are:

—Do not permit labor organizations to file separate subsidiary organization reports on simplified Form LM–3;
—Ask about the activities of labor organizations in foreign countries;
—Require more detailed reporting on Form LM–2 in Schedule 12, "Contributions, Gifts, and Grants" and Schedule 14, "Other Disbursements" rather than allowing reporting in general bookkeeping categories;
—Add separate limits for each of the three methods by which labor organizations receive dues—from members/employees, from employers through checkoff arrangements, and from affiliates;
—Add a separate category for any amounts assessed from employees for union job targeting programs;
—Add separate items for agency fees and any other funds received from nonmember employees or financial core members as a condition of employment (although this recommendation was not adopted, as noted below in section III. D. the instructions for "dues" have been revised to clarify that receipts of agency fees are to be included in that item); and
—Add a separate item for "legal fees and expenses" rather than including these disbursements in "professional fees."

The Department has decided not to take action at this time on any suggestions that would substantively revise or increase the requirements of the existing and proposed Forms LM–2/3.

*I. Other Comments*

1. Disclosure and Audit of Reports

There were two recommendations for adding requirements beyond the matters required to be reported in Forms LM–2/3. One was to require the posting of reports at employees' workplaces where notices to employees are ordinarily posted. The other was to require that certified public accountants audit labor organizations' annual financial reports and issue opinion letters to be attached to the Forms LM–2/3.

2. Paperwork Burden

Several comments stated that the paperwork burden estimates which the Department submitted to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act substantially underestimated the actual burden imposed on labor organizations and did not provide adequate supporting documentation. One of these comments attached a separate, detailed study of the reporting burden.

Much of the excess burden which these comments discussed resulted from their estimates of the costs to comply with the proposal to require reporting on an accrual basis, including initial costs for some labor organizations to convert their books and records to the accrual method of accounting. As stated in the notice of proposed rulemaking and as pointed out in one of the comments, the Department had made these estimates on the assumption that many labor organizations currently use accrual accounting, and therefore accrual reporting would not increase the reporting burden but might in fact decrease it. Since the reporting method is now optional, not only will this excess burden be eliminated but, in addition, the burden on those labor organizations which now keep their records on an accrual basis will be reduced since they will no longer need to convert their records in order to complete Forms LM-2/3.

Another factor which may account for the excess burden discussed in these comments is that the paperwork burden estimates submitted to OMB consist only of the burden beyond that required in the ordinary course of business. Labor organizations must maintain records and disclose their finances under the Internal Revenue Code and under their fiduciary responsibilities as custodians of their members' money.

The Department believes that its paperwork burden estimates were reasonable and that it has compiled with all pertinent requirements. The Department has submitted revised paperwork burden estimates to OMB based on the revisions to Forms LM-2/3 outlined in this final rule. These estimates are of course subject to revision after labor organizations have had experience in completing the revised forms.

3. The Rulemaking Process

A number of comments objected that the Department did not consult with labor organizations before issuing the proposed rule. However, there is no requirement that any party or group be consulted before the issuance of a proposed rule. Labor organizations participated actively in the rulemaking process by providing written comments; those comments were carefully reviewed and considered, and many revisions to the proposal were made in response. The Department has fully complied with the letter and spirit of laws governing the rulemaking process.

4. Enforcement Issues

Several comments stated that the proposed reporting forms will negatively impact on the Department's enforcement of the LMRDA. They stated, for example, that the resources needed as a result of the new reporting forms for staff training, compliance assistance programs for labor organizations, and enforcement programs for the increased reporting errors that will inevitably occur will detract from other LMRDA administration programs. However, many of the potential problems referred to in these comments were the result of the proposed requirement for mandatory accrual reporting, which is not being implemented. The Department is confident that the implementation of the functional reporting requirement of the revised Forms LM-2/3 will not detract from its administration of the other LMRDA requirements.

5. IRS Reporting Requirements

Several comments recommended that the Department work with the IRS to develop a single reporting form to meet the requirements of both the LMRDA and the Internal Revenue Code (IRC). As stated in the instructions for the reporting forms, the IRS will accept a copy of a labor organization's LMRDA financial report to fulfill part of its obligation under the IRC. However, because of the difference in the requirements and purposes of the LMRDA and the IRC, it would be impractical to develop a single form, and any form that met the requirements of both statutes might be more cumbersome and burdensome than separate forms.

**III. Revisions to the Proposed Forms LM-2/3**

*A. Functional Reporting*

The following changes have been made to the functional reporting requirement, which is identical on both Forms LM-2 and LM-3.

—There is a separate Statement C for functional reporting. Statement C includes only selected disbursement items which are to be allocated among the functional categories.

—The functional category for "Safety & Health" has been deleted and the instructions have been revised to have these expenditures allocated in "Contract Negotiation & Administration" and "Other," as appropriate.

—The functional categories for "Lobbying" and "Promotional Activities" have been combined.

—The description of "Lobbying" activities has been revised to clarify that this category includes activities relating to rulemaking as well as to legislation.

—The description of "Political Activities" has been revised to exclude references to illegal contributions in connection with federal elections.

—The description of "Organizing" activities has been revised to include activities relating to preventing the loss of a collective bargaining unit to another labor organization.

—Expenditures for "Per Capita Tax," "Supplies for Resale," and "Other Disbursements" have been eliminated from the list of disbursements which must be allocated among the functional categories.

—Expenditures for "Office & Administrative Expense" and "Direct Taxes" are combined for allocation among the functional categories.

—Expenditures for withholding taxes and other payroll deductions are included in "Officer Payments" and "Employee Payments" for allocation among the functional categories.

*B. Conversion to Cash Basis with Accrual Option*

1. Changes to Both Forms LM-2 and LM-3

The following changes have been made to both Forms LM-2 and LM-3 and the instructions to convert them from the proposed accrual basis to the cash basis with an accrual option.

—A new Item 4 has been added to indicate whether reporting is on a cash or an accrual basis.

—The accrual terms "revenues" and "expenses" have been changed to the cash terms "receipts" and "disbursements," respectively, and other appropriate changes have been made in the forms and instructions.

—Guidelines have been provided at those points where the cash basis instructions need clarification for labor organizations reporting on the accrual basis.

—Statement B, "Revenues," and Statement C "Expenses," have been

combined to form Statement B, "Receipts and Disbursements."
—Statement D, "Funds Handled," has been eliminated.
—Item 25 of the proposed Forms LM–2/3, "Less: Allowance for Doubtful Accounts," has been deleted.
—Item 49 of the proposed Forms LM–2/3, "Gain (Loss) on Sale of Investments & Fixed Assets" has been changed to "Sale of Investments & Fixed Assets" (Item 49 on the revised Form LM–2 and Item 44 on the revised From LM–3).
—New items for the "Purchase of Investments and Fixed Assets," Item 68 on revised From LM–2 and Item 56 of revised Form LM–3, have been added as the disbursement side of the receipt item "Sale of Investments & Fixed Assets."

2. Changes Only to Form LM–2

The following changes have been made only to Form LM–2 to convert it to a cash basis from the proposed accrual basis.

—Items 50 to 53 (receipt items for "Loans Obtained," "Repayment of Loans Made," "On Behalf of Affiliates for Transmittal to Them," and "From Members for Disbursement on Their Behalf," respectively), and Items 69 to 73 (disbursement items for "Loans Made," "Repayment of Loans Obtained," "To Affiliates of Funds Collected on Their Behalf," "For Account of Affiliates," and "On Behalf of Individual Members," respectively) have been added. (These receipt and disbursement items are not revenues or expenses in accrual accounting, and most represent cash transactions where cash received is passed through to another party; all these items were on the previous Form LM–2, and the receipts Items 50 to 53 were on the proposed Form LM–2 in Statement D, "Funds Handled.")
—Item 66, "Direct Taxes," has been added to replace Items 62 and 63, "Taxes" and "Payroll Taxes," on the proposed Form LM–2 which have been eliminated.
—Item 67, "Withholding Taxes," has been added.
—In Schedule 2, "Investments," the term "book value" has been changed to "cost," and the term "market value" has been changed to "book value."
—In Schedule 7, "Sale of Investments and Fixed Assets", Column B has been changed from "Book Value" to "Cost," Column C has been changed from "Selling Expense" to "Book Value," and Column E ("Gain (Loss)") has been eliminated.

3. Changes Only to Form LM–3

The following changes have been made only to Form LM–3 to convert it to a cash basis from the proposed accrual basis.

—The disbursement items for "Office and Administrative Expense" and "Direct Taxes" have been combined in Item 51.
—Item 57, "Loans Made," was added. (This is a disbursement in cash accounting but not an expense in accrual accounting; this item was on the previous Form LM–3.)
—The instructions for Item 45, "Other Receipts," have been revised to require reporting of funds received which are receipts in cash accounting but are not revenues in accrual accounting (loans obtained, repayment of loans made, on behalf of affiliates for transmittal to them, and from members for disbursement on their behalf). Similarly, the instructions for Item 58, "Other Disbursements," have been revised to require reporting of funds expended which are disbursements in cash accounting but which are not expenses in accrual accounting (loans made, repayment of loans obtained, to affiliates of funds collected on their behalf, for account of affiliates, and on behalf of individual members). (Most of these items represent cash transactions where cash received is passed through to another party; the receipts categories were separate items on the proposed Form LM–3 in Statement D, "Funds Handled.")

*C. Other Substantive Changes*

1. Changes to Both Forms LM–2 and LM–3

—An optional cash reconciliation worktable has been added to the instructions. (The previous Form LM–2 had a mandatory cash reconciliation statement on the form, and the prior Form LM–3 had a worktable in the instructions.)

2. Changes Only to Form LM–2

—In Schedules 9 and 10, "All Officers and Disbursements to Officers" and "Disbursements to Employees," respectively, Line 12 has been added for reporting total deductions from the gross disbursements to officers and employees, and Line 13 has been added for reporting the net disbursements to officers and employees.

3. Changes Only to Form LM–3

—Items 41 through 44 (for receipts from fees, fines, assessments, and work permits) on the proposed Form LM–3 have been combined into one Item 41.
—Item 45 of the proposed Form LM–3, "Sale of Supplies," has been eliminated.
—Items 46 and 47 of the proposed Form LM–3 (for receipts from interest and dividends) have been combined.
—For Items 47 and 48 of the revised Form LM–3 (disbursements to officers and employees, respectively), there are sub-items for reporting "Gross Disbursements" and "Less Deductions," so that net disbursements are reported in the "Amount" column for disbursements.
—The "List of All Officers and Officer Salaries and Other Expenses" on the proposed Form LM–3 has been redesignated as Schedule 2, "All Officers and Disbursements to Officers," and the three columns in the "List . . ." on the proposed Form LM–3 for allowances, expenses for official business, and other expenses have been combined into one column, "Allowances and Other Disbursements."
—Schedule 1, "Other Liabilities," has been added.

*D. Editorial Changes*

Numerous editorial and stylistic changes have been made in the forms and instructions to clarify the reporting requirements and to improve readability. The more important of these changes are listed below.

1. Changes to Both Forms LM–2 and LM–3

—In Item 16, it is now stated on the forms rather than only in the instructions that a loss or shortage of funds is to be reported even if there has been repayment or other form of recovery.
—The instructions for dues and per capita receipts have been revised to clarify the reporting of any portion of these receipts which is transmitted to an affiliate.
—The instructions for dues have been revised to clarify that money received from agency fees required of nonmember employees as a condition of employment must be reported as dues.
—The instructions have been revised to give examples and definitions of terms such as "contingent liabilities," "cash," "other assets," "indirect loan," and "other liabilities."
—The instructions have been revised to clarify which items and lines must be completed when there is no information to report (with 00 or NA, for example).

—The instructions have been revised to add a statement that receipts and disbursements should not be netted.
—The instructions have been revised to add a statement that transfers among and within cash funds should not be reported as receipts and disbursements.

2. Changes Only to Form LM–2

—The instructions clarify how interest on loans is to be reported.
—The instructions for Schedule 2, "Investments," have been revised to define the term "book value" as the lower of cost or market value.
—The instructions for Schedule 6, "Purchase of Investments and Fixed Assets," have been revised to clarify that "cost" includes transaction costs.

## IV. Administrative Requirements

*A. Executive Order 12291*

The Department of Labor has determined that this rule is not a major rule as defined by Executive Order 12291 in that it will not have an annual effect on the economy of $100 million or more, not cause a major increase in costs or prices, and not have an adverse effect on competition in the marketplace. Therefore, a regulatory impact analysis is not required.

*B. Regulatory Flexibility Act*

In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Department certifies that this rule will not have a significant economic impact on a substantial number of small entities. The rule will only apply to labor organizations, and the Department has determined that labor organizations regulated pursuant to the statutory authority granted under the LMRDA do not constitute small entities. Therefore, a regulatory flexibility analysis is not required.

*C. Paperwork Reduction Act*

Pursuant to the Paperwork Reduction Act of 1980, as amended, the information collection requirements for this program have been approved by the Office of Management and Budget (OMB control number 1214–0001).

**List of Subjects in 29 CFR Parts 402 and 403**

Labor unions, reporting and recordkeeping requirements.

**Text of Final Rule**

In consideration of the foregoing, the Department of Labor, Office of Labor-Management Standards, hereby amends parts 402 and 403 of title 29, Code of Federal Regulations, as follows:

## PART 402—LABOR ORGANIZATION INFORMATION REPORT

1. The authority citation for part 402 continues to read as follows:

**Authority:** Secs. 201, 208, 73 Stat. 524, 529; 29 U.S.C. 431, 438; Secretary's Order No. 3–84 (49 FR 20578).

**§ 402.4 [Amended]**

2. Section 402.4(b)(3) is amended by removing the words "item 18 on Form LM–3 or item 20 on Form LM–2" and inserting the words "item 22 on Form LM–2 or Form LM–3, as appropriate,".

## PART 403—LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS

3. The authority citation for part 403 continues to read as follows:

**Authority:** Secs. 201, 208, 301, 73 Stat. 524, 529, 530; 29 U.S.C. 431, 438, 461; Secretary's Order No. 3–84 (49 FR 20578).

**§ 403.4 [Amended]**

4. Section 403.4(a) is amended by removing "$100,000" and inserting "$200,000."

Signed in Washington, DC, this 28 day of October, 1992.

**Lynn Martin,**

*Secretary of Labor.*

**Note:** This appendix will not appear in the Code of Federal Regulations.

## Appendix—Labor Organization Annual Report Forms LM–2 and LM–3

U.S. Department of Labor
Office of Labor-Management Standards
Washington, DC 20210

Form approved
Office of Management and Budget

# LABOR ORGANIZATION ANNUAL REPORT FORM LM-2

**MUST BE USED BY LABOR ORGANIZATIONS WITH $200,000 OR MORE IN TOTAL ANNUAL RECEIPTS AND LABOR ORGANIZATIONS UNDER TRUSTEESHIP**

This report is mandatory under P.L. 86-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 439 or 440.

**READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT. SUBMIT THIS REPORT IN DUPLICATE.**

**IMPORTANT**

If label is here, → peel off top part and place in same box on second copy of form.

If label information is correct, leave items 5 through 9 blank.

If label information is incorrect, complete items 5 through 9.

1. FILE NUMBER

| 2. PERIOD COVERED | MO | DAY | YR |
|---|---|---|---|
| FROM | | | |
| THROUGH | | | |

3. WHERE LOCATED OR CHARTERED TO OPERATE:
CITY _____ COUNTY _____ STATE _____

4. ACCOUNTING METHOD: ☐ CASH ☐ ACCRUAL

5. AFFILIATION OR ORGANIZATION NAME

6. DESIGNATION (Local, Lodge, etc.)

7. DESIGNATION NUMBER

8. UNIT NAME (if any)

9. MAILING ADDRESS:
(in care of) NAME AND TITLE OF PERSON
NUMBER AND STREET
BUILDING AND ROOM NUMBER (if any)
CITY STATE ZIP CODE

10. Are your organization's records kept at the address in Item 9? Yes ☐ No ☐
If "No," provide address including ZIP Code in Item 76.

DURING THE REPORTING PERIOD DID YOUR ORGANIZATION DIRECTLY OR INDIRECTLY:

| | Yes | No |
|---|---|---|
| 11. Have any accounts in banks or other financial institutions held in a name other than that of your organization? | ☐ | ☐ |
| 12. Liquidate or reduce any liabilities without disbursement of cash? | ☐ | ☐ |
| 13. Create or participate in the administration of any business enterprise or other organization which met the definition of a "subsidiary organization" as that term is defined in the instructions? | ☐ | ☐ |
| 14. Acquire any goods or property in any manner other than by purchase or dispose of any goods or property in any manner other than by sale? | ☐ | ☐ |
| 15. Create or participate in the administration of a trust or other fund or organization, a primary purpose of which is to provide benefits for members or their beneficiaries, as defined in the instructions? | ☐ | ☐ |
| 16. Discover any loss or shortage of funds or other property whether or not there has been repayment or recovery? | ☐ | ☐ |

*(If the answer to any of the above questions is "Yes," provide details in Item 76 on page 6. See specific instructions for items answered "Yes.")*

| | Yes | No |
|---|---|---|
| 17. Was your organization insured by a fidelity bond during the reporting period? | ☐ | ☐ |

18. If "Yes," what is the maximum amount recoverable under the bond for loss caused by any person? $_____

19. What is the date of your organization's next regular election of officers?
Month _____ Year _____

AT THE END OF THE REPORTING PERIOD:

| | Yes | No |
|---|---|---|
| 20. Were any of your organization's assets pledged as security or encumbered in any other way? | ☐ | ☐ |
| 21. Did your organization have any contingent liabilities? | ☐ | ☐ |

*(If the answer to Item 20 or 21 is "Yes," provide details in Item 76.)*

22. Did your organization have any changes during the reporting period in its constitution and bylaws (other than changed dues amounts) or in practices described in statements submitted with Form LM-1 or Form LM-1A? ☐ Yes ☐ No

*(If "Yes," attach a completed Form LM-1A to this report with required documents.)*

23. FEES AND DUES *(Complete each line. Enter "None" or "Not Applicable" as appropriate.)*

| | (A) If one rate applies, enter below: | (B) If more than one rate applies, enter below: Minimum | Maximum |
|---|---|---|---|
| (a) Initiation fees required from new members | $_____ | $_____ | $_____ |
| (b) Fees other than dues required from transfer members | $_____ | $_____ | $_____ |
| (c) Are work permits issued by your organization? ☐ Yes ☐ No If "Yes," enter fees required (per year, month, etc.) | $_____ per_____ | $_____ per_____ | $_____ per_____ |
| (d) Regular dues or fees or other periodic payments required to remain a member of your organization (per year, month, etc.) | $_____ per_____ | $_____ per_____ | $_____ per_____ |

Each of the undersigned, duly authorized officers of the above labor organization, declares, under the applicable penalties of law,* that all of the information submitted in this report (including the information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete.

77. SIGNED: _____ PRESIDENT *(If other title, cross out and write in correct title above. Explain in Item 76.)*
at: _____ on: _____
City State Date
( ) _____
Telephone Number

78. SIGNED: _____ TREASURER *(If other title, cross out and write in correct title above. Explain in Item 76.)*
at: _____ on: _____
City State Date
( ) _____
Telephone Number

*See Section VI on penalties in the Instructions.

Form LM-2 (Revised 1992)

**ENTER AMOUNTS IN DOLLARS ONLY**

*COMPLETE SCHEDULES 1 THROUGH 14 BEFORE COMPLETING STATEMENTS A THROUGH C*

**STATEMENT A—ASSETS AND LIABILITIES**

| ASSETS Item | FROM SCH # | Start of Reporting Period (A) | End of Reporting Period (B) | LIABILITIES Item | FROM SCH # | Start of Reporting Period (C) | End of Reporting Period (D) |
|---|---|---|---|---|---|---|---|
| 24. Cash | | $ | $ | 33. Accounts Payable | | $ | $ |
| 25. Accounts Receivable | | | | 34. Loans Payable | 8 | | |
| 26. Loans Receivable | 1 | | | 35. Mortgages Payable | | | |
| 27. U.S. Treasury Securities | | | | 36. Other Liabilities | 4 | | |
| 28. Mortgage Investments | | | | 37. TOTAL LIABILITIES | | $ | $ |
| 29. Other Investments | 2 | | | | | | |
| 30. Fixed Assets | 5 | | | | | | |
| 31. Other Assets | 3 | | | | | | |
| 32. TOTAL ASSETS | | $ | $ | 38. NET ASSETS *(Item 32 less Item 37)* | | $ | $ |

**STATEMENT B—RECEIPTS AND DISBURSEMENTS**

| CASH RECEIPTS Item | FROM SCH # | AMOUNT | CASH DISBURSEMENTS Item | FROM SCH # | AMOUNT |
|---|---|---|---|---|---|
| 39. Dues | | $ | 56. To Officers | 9 | $ |
| 40. Per Capita Tax | | | 57. To Employees | 10 | |
| 41. Fees | | | 58. Per Capita Tax | | |
| 42. Fines | | | 59. Fees, Fines, Assessments, etc. | | |
| 43. Assessments | | | 60. Office & Administrative Expense | | |
| 44. Work Permits | | | 61. Educational & Publicity Expense | | |
| 45. Sale of Supplies | | | 62. Professional Fees | | |
| 46. Interest | | | 63. Benefits | 11 | |
| 47. Dividends | | | 64. Contributions, Gifts, & Grants | 12 | |
| 48. Rents | | | 65. Supplies for Resale | | |
| 49. Sale of Investments & Fixed Assets | 7 | | 66. Direct Taxes | | |
| 50. Loans Obtained | 8 | | 67. Withholding Taxes | | |
| 51. Repayments of Loans Made | 1 | | 68. Purchase of Investments & Fixed Assets | 6 | |
| 52. On Behalf of Affiliates for Transmittal to Them | | | 69. Loans Made | 1 | |
| | | | 70. Repayment of Loans Obtained | 8 | |
| 53. From Members for Disbursement on Their Behalf | | | 71. To Affiliates of Funds Collected on Their Behalf | | |
| | | | 72. For Account of Affiliates | | |
| 54. Other Receipts | 13 | | 73. On Behalf of Individual Members | | |
| 55. TOTAL RECEIPTS | | $ | 74. Other Disbursements | 14 | |
| | | | 75. TOTAL DISBURSEMENTS | | $ |

**STATEMENT C—FUNCTIONAL ALLOCATION***

| Line | FROM ITEM/ SCH # | TOTAL (A) | Contract Negotiation & Administration (B) | Organizing (C) | Strike Activities (D) | Political Activities (E) | Lobbying & Promotional Activities (F) | Other (G) |
|---|---|---|---|---|---|---|---|---|
| 1. Officer Payments | Sch. 9 | $ | $ | $ | $ | $ | $ | $ |
| 2. Employee Payments | Sch. 10 | | | | | | | |
| 3. Fees, Fines, Assessments, etc. | Item 59 | | | | | | | |
| 4. Office & Administrative Expense and Direct Taxes | Item 60 Item 66 | | | | | | | |
| 5. Educational & Publicity Expense | Item 61 | | | | | | | |
| 6. Professional Fees | Item 62 | | | | | | | |
| 7. Benefits | Item 63 | | | | | | | |
| 8. Contributions, Gifts, & Grants | Item 64 | | | | | | | |
| 9. TOTAL | | $ | $ | $ | $ | $ | $ | $ |

*THE METHOD USED TO ALLOCATE DISBURSEMENTS TO FUNCTIONAL CATEGORIES SHOULD BE CONSISTENT FROM YEAR TO YEAR, SYSTEMATIC, AND REASONABLE. FILERS MUST ATTACH AN EXPLANATORY STATEMENT DESCRIBING THE ALLOCATION METHOD USED.

# LM-2

ENTER AMOUNTS IN DOLLARS ONLY

FILE NUMBER

*If more space is needed to complete any of the schedules, continue on additional pages, using the same column headings used on the schedule, and enter the totals on the line provided for additional pages in each schedule.*

## SCHEDULE 1—LOANS RECEIVABLE

| List below loans to officers, employees, or members which at any time during the reporting period exceeded $250 and list all loans to business enterprises regardless of amount. (A) | Loans Outstanding at Start of Period (B) | Loans Made During Period (C) | Repayments Received During Period: Cash (D)(1) | Repayments Received During Period: Other Than Cash (D)(2) | Loans Outstanding at End of Period (E) |
|---|---|---|---|---|---|
| 1. Name: _____ Purpose: _____ Security: _____ Terms of Repayment: _____ | $ | $ | $ | $ | $ |
| 2. Name: _____ Purpose: _____ Security: _____ Terms of Repayment: _____ | | | | | |
| 3. Totals from additional pages (if any) | | | | | |
| 4. Totals of loans not listed above | | | | | |
| 5. Totals of Lines 1 through 4 | $ | $ | $ | $ | $ |
| Enter the Totals from Line 5 in | ↑ Item 26, Column (A) | ↑ Item 69 | ↑ Item 51 | ↑ Item 76 with Explanation | ↑ Item 26, Column (B) |

## SCHEDULE 2—INVESTMENTS OTHER THAN U.S. TREASURY SECURITIES AND MORTGAGE INVESTMENTS

| Description (A) | Amount (B) |
|---|---|
| Marketable Securities | |
| 1. Total Cost | $ |
| 2. Total Book Value | |
| 3. List each marketable security which has a book value over $1,000 and exceeds 20% of Line 2. (a) _____ (b) _____ (c) _____ (d) _____ | |
| Other Investments | |
| 4. Total Cost | $ |
| 5. Total Book Value | |
| 6. List each other investment which has a book value over $1,000 and exceeds 20% of Line 5. Also list each subsidiary for which separate reports are attached. (a) _____ (b) _____ (c) _____ (d) _____ | |
| (e) Total from additional pages (if any) | |
| 7. Total of Lines 2 and 5 | $ |
| Enter the Total from Line 7 in | ↑ Item 29, Column (B) |

## SCHEDULE 3—OTHER ASSETS

| Description (A) | Book Value (B) |
|---|---|
| 1. | $ |
| 2. | |
| 3. | |
| 4. | |
| 5. Total from additional pages (if any) | |
| 6. Total of Lines 1 through 5 | $ |
| Enter the Total from Line 6 in | ↑ Item 31, Column (B) |

## SCHEDULE 4—OTHER LIABILITIES

| Description (A) | Amount at End of Period (B) |
|---|---|
| 1. | $ |
| 2. | |
| 3. | |
| 4. | |
| 5. | |
| 6. | |
| 7. | |
| 8. Total from additional pages (if any) | |
| 9. Total of Lines 1 through 8 | $ |
| Enter the Total from Line 9 in | ↑ Item 36, Column (D) |

**ENTER AMOUNTS IN DOLLARS ONLY**

**SCHEDULE 5—FIXED ASSETS**

| Description (A) | Cost or Other Basis (B) | Total Depreciation or Amount Expensed (if any) (C) | Book Value (D) | Fair Market Value (E) |
|---|---|---|---|---|
| 1. Land (give location): | $ | | $ | $ |
| | | | | |
| 2. Totals from additional pages (if any) | | | | |
| 3. Buildings (give location): | | $ | | |
| | | | | |
| 4. Totals from additional pages (if any) | | | | |
| 5. Automotive Equipment | | | | |
| 6. Office Furniture and Equipment | | | | |
| 7. Other Fixed Assets | | | | |
| 8. Totals of Lines 1 through 7 | $ | $ | $ | $ |

Enter the Total from Line 8, Column (D) in ..... ↑ Item 30, Column (B)

**SCHEDULE 6—PURCHASE OF INVESTMENTS AND FIXED ASSETS**

| Description (if land or buildings, give location) (A) | Cost (B) | Book Value (C) | Cash Paid (D) |
|---|---|---|---|
| 1 | $ | $ | $ |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. Totals from additional pages (if any) | | | |
| 6. Totals of Lines 1 through 5 | $ | $ | $ |

Enter the Total from Line 6, Column (D) in ..... ↑ Item 68

| 7. Assets Traded In on Assets Purchased: Description (A) | Cost (B) | Book Value (C) | Trade-in Allowance (D) |
|---|---|---|---|
| (a) | $ | $ | $ |
| (b) | | | |

**SCHEDULE 7—SALE OF INVESTMENTS AND FIXED ASSETS**

| Description (if land or buildings, give location) (A) | Cost (B) | Book Value (C) | Gross Sales Price (D) | Amount Received (E) |
|---|---|---|---|---|
| 1. | $ | $ | $ | $ |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. Totals from additional pages (if any) | | | | |
| 6. Totals of Lines 1 through 5 | $ | $ | $ | $ |

Enter the Total from Line 6, Column (E) in ..... ↑ Item 49

**SCHEDULE 8—LOANS PAYABLE**

| Source of Loans Payable at Any Time During the Reporting Period (A) | Terms for Repayment (B) | Loans Owed at Start of Period (C) | Loans Obtained During Period (D) | Repayments Made During Period: Cash (E)(1) | Repayments Made During Period: Other Than Cash (E)(2) | Loans Owed at End of Period (F) |
|---|---|---|---|---|---|---|
| 1. | | $ | $ | $ | $ | $ |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. Totals from additional pages (if any) | | | | | | |
| 5. Totals of Lines 1 through 4 | | $ | $ | $ | $ | $ |

Enter the Totals from Line 5 in ..... ↑ Item 34, Column (C) ..... ↑ Item 50 ..... ↑ Item 70 ..... ↑ Item 76 with Explanation ..... ↑ Item 34, Column (D)

**LM-2**

ENTER AMOUNTS IN DOLLARS ONLY

FILE NUMBER

**SCHEDULE 9—ALL OFFICERS AND DISBURSEMENTS TO OFFICERS**

| Name *(Important: List all persons who held office during the reporting period even if they received no salary or other disbursements.)* (A) | Title (B) | Status (C)* | Gross Salary (before taxes and other deductions) (D) | Allowances (E) | Disbursements for Official Business (F) | Other Disbursements (G) | Total (H) |
|---|---|---|---|---|---|---|---|
| 1. | | | $ | $ | $ | $ | $ |
| 2. | | | | | | | |
| 3. | | | | | | | |
| 4. | | | | | | | |
| 5. | | | | | | | |
| 6. | | | | | | | |
| 7. | | | | | | | |
| 8. | | | | | | | |
| 9. | | | | | | | |
| 10. Totals from additional pages (if any) | | | | | | | |
| 11. Totals of Lines 1 through 10 | | | $ | $ | $ | $ | $ |
| | | | | | 12. Less Deductions | | |
| | | | | | 13. Net Disbursements | | $ |

Enter the Total from Line 13, Column (H) in ..... Item 56

* Code for Column (C): past officer– P, continuing officer– C, new officer during the reporting period –N.

*(If any officer was not elected at a regular election in accordance with your organization's constitution and bylaws, explain in Item 76.)*

**SCHEDULE 10—DISBURSEMENTS TO EMPLOYEES**

| Name *(List all employees who received more than $10,000 in total disbursements from your organization and any affiliate.)* (A) | Position (B) | Name of Affiliated Organization (if applicable) (C) | Gross Salary (before taxes and other deductions) (D) | Allowances (E) | Disbursements for Official Business (F) | Other Disbursements (G) | Total (H) |
|---|---|---|---|---|---|---|---|
| 1. | | | $ | $ | $ | $ | $ |
| 2. | | | | | | | |
| 3. | | | | | | | |
| 4. | | | | | | | |
| 5. | | | | | | | |
| 6. | | | | | | | |
| 7. | | | | | | | |
| 8. | | | | | | | |
| 9. Totals from additional pages (if any) | | | | | | | |
| 10. Totals for all employees who, during the reporting period, received $10,000 or less in total disbursements from your organization and any affiliate. | | | | | | | |
| 11. Totals of Lines 1 through 10 | | | $ | $ | $ | $ | $ |
| | | | | | 12. Less Deductions | | |
| | | | | | 13. Net Disbursements | | $ |

Enter the Total from Line 13, Column (H) in ..... Item 57

**ENTER AMOUNTS IN DOLLARS ONLY**

**SCHEDULE 11—BENEFITS**

| Description (A) | To Whom Paid (B) | Amount (C) |
|---|---|---|
| 1. | | $ |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |
| 6. | | |
| 7. | | |
| 8. | | |
| 9. | | |
| 10. Total from additional pages (if any) | | |
| 11. Total of Lines 1 through 10 | | $ |

Enter the Total from Line 11 in ..... Item 63

**SCHEDULE 12—CONTRIBUTIONS, GIFTS, AND GRANTS**

| Description (A) | Amount (B) |
|---|---|
| 1. | $ |
| 2. | |
| 3. | |
| 4. | |
| 5. | |
| 6. | |
| 7. | |
| 8. | |
| 9. | |
| 10. Total from additional pages (if any) | |
| 11. Total of Lines 1 through 10 | $ |

Enter the Total from Line 11 in ..... Item 64

**SCHEDULE 13—OTHER RECEIPTS**

| Description (A) | Amount (B) |
|---|---|
| 1. | $ |
| 2. | |
| 3. | |
| 4. | |
| 5. | |
| 6. | |
| 7. | |
| 8. | |
| 9. | |
| 10. Total from additional pages (if any) | |
| 11. Total of Lines 1 through 10 | $ |

Enter the Total from Line 11 in ..... Item 54

**SCHEDULE 14—OTHER DISBURSEMENTS**

| Description (A) | Amount (B) |
|---|---|
| 1. | $ |
| 2. | |
| 3. | |
| 4. | |
| 5. | |
| 6. | |
| 7. | |
| 8. | |
| 9. | |
| 10. Total from additional pages (if any) | |
| 11. Total of Lines 1 through 10 | $ |

Enter the Total from Line 11 in ..... Item 74

76. ADDITIONAL INFORMATION *(If this is a terminal report, see Section XI of the instructions.)*

| Item Number | |
|---|---|
| | |

*(If more space is needed, attach additional pages properly identified.)*

# INSTRUCTIONS FOR LABOR ORGANIZATION ANNUAL REPORT, FORM LM-2

## GENERAL INSTRUCTIONS

I. **WHO MUST FILE** - Every labor organization subject to the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), the Civil Service Reform Act (CSRA), or the Foreign Service Act (FSA) must file a financial report, Form LM-2, LM-3, or LM-4 each year with the Office of Labor-Management Standards (OLMS) of the U.S. Department of Labor. These laws cover labor organizations that represent employees who work in private industry, employees of the U.S. Postal Service, and most Federal government employees. Labor organizations that represent only state, county, or municipal government employees are not required to file. If you have a question about whether your organization is required to file, contact the nearest OLMS field office listed on the last page of these instructions.

II. **WHAT FORM TO FILE** - Form LM-2 must be filed by every labor organization subject to the LMRDA, CSRA, or FSA with total annual receipts of $200,000 or more. The term "total annual receipts" means all financial receipts of the labor organization during its fiscal year, regardless of the source and with no exclusions or deductions of any kind; it also includes receipts of any special funds and any "subsidiaries" of the labor organization as defined in Section IX of these instructions.

Labor organizations with total annual receipts of less than $200,000 may file the simplified 3-page annual report Form LM-3, if not in trusteeship as defined in Section VIII of these instructions. Labor organizations with less than $10,000 in total annual receipts may file the abbreviated 1-page annual report Form LM-4, if not in trusteesheep.

III. **WHEN TO FILE** - Form LM-2 must be filed within 90 days after the end of your organization's fiscal year (12-month reporting period). The law does not authorize the U.S. Department of Labor to grant an extension of time for filing reports for any reason.

If your organization went out of existence during its fiscal year, a terminal financial report must be filed within 30 days after the date it ceased to exist. See Section XI of these instructions for information on filing a terminal financial report.

IV. **WHERE TO FILE** - The original and one duplicate copy of Form LM-2 and any required attachments must be filed with the U.S. Department of Labor at the following address:

U.S. Department of Labor
Office of Labor-Management Standards
200 Constitution Avenue, NW
Washington, DC 20210

If available, use the pre-addressed envelope enclosed with this report package to file Form LM-2.

NOTE: Certain labor organizations are required to file Form 990, Return of Organization Exempt from Income Tax, with the Internal Revenue Service (IRS). The IRS will accept a copy of your organization's Form LM-2 to provide some of the information required by Form 990. See the instructions for the current

Form 990 for details. Filing Form LM-2 with the IRS does not satisfy your organization's reporting requirement with the U.S. Department of Labor.

**V. PUBLIC DISCLOSURE** - The LMRDA requires that the U.S. Department of Labor make labor organization financial reports available for inspection by the public. Reports may be examined and copies purchased at the OLMS Public Disclosure Room at the above address or at the OLMS field office in whose jurisdiction the reporting organization is located. See the last page of these instructions for a list of OLMS field offices.

**VI. RESPONSIBILITIES OF OFFICERS AND PENALTIES** - The president and treasurer or the corresponding principal officers of the labor organization required to sign Form LM-2 are personally responsible for its filing and accuracy. Under the LMRDA, officers are subject to criminal penalties for willful failure to file a required report and for false reporting. False reporting includes making any false statement or misrepresentation of a material fact while knowing it to be false, or for knowingly failing to disclose a material fact in a required report or in the information required to be contained in it or in any information required to be submitted with it. Under the CSRA and FSA and implementing regulations, false reporting and failure to report may result in administrative enforcement action and litigation. The officers responsible for signing Form LM-2 are also subject to criminal penalties for false reporting under section 1001 of Title 18 of the United States Code.

**VII. RECORD KEEPING** - The officers required to file Form LM-2 are responsible for maintaining records which will provide in sufficient detail the information and data necessary to verify the accuracy and completeness of the report. Under the LMRDA, the records must be kept for at least 5 years after the date the report is filed. Any record necessary to verify, explain, or clarify the report must be retained, including, but not limited to, vouchers, worksheets, receipts, and applicable resolutions.

## SPECIAL INSTRUCTIONS FOR CERTAIN ORGANIZATIONS

**VIII. LABOR ORGANIZATIONS UNDER TRUSTEESHIP** - Any labor organization which has placed a subordinate labor organization in trusteeship is responsible for filing the subordinate's annual financial report. A trusteeship is defined in section 3(h) of the LMRDA as "any receivership, trusteeship, or other method of supervision or control whereby a labor organization suspends the autonomy otherwise available to a subordinate body under its constitution or bylaws."

Annual financial reports filed for any labor organization in trusteeship must be filed on Form LM-2. The report must be signed by the president and treasurer or corresponding principal officers of the labor organization which assumed the trusteeship and by the trustees of the subordinate labor organization. An Information and Signature Sheet, Form LM-6, must be filed with the annual financial reports of trusteed organizations and can be obtained from the nearest OLMS field office listed on the last page of these instructions.

**IX. LABOR ORGANIZATIONS WHICH HAVE SUBSIDIARY ORGANIZATIONS** - A subsidiary organization, within the meaning of these instructions, is any separate organization of which the ownership is wholly vested in the reporting labor organization or its officers or its membership, which is governed or controlled by the officers, employees, or members of the reporting labor organization, and which is wholly financed by the reporting labor organization. An example of a subsidiary organization is a building corporation which holds title to a meeting hall used by the labor organization; the labor organization owns the building corporation, selects the officers, and finances the operation of the building corporation.

IF YOUR ORGANIZATION HAS NO SUBSIDIARY ORGANIZATION AS DEFINED ABOVE, SKIP TO SECTION X OF THESE INSTRUCTIONS.

If a labor organization has a subsidiary organization, it is required to report financial information for the subsidiary organization by one of the following methods:

Method (1) - Consolidate the financial information for the subsidiary organization and the labor organization on a single Form LM-2. Method (1), however, cannot be used if the organizations use different accounting methods.

Method (2) - Complete a separate Form LM-2 for each subsidiary organization and file it with the labor organization's Form LM-2. The LM-2 report for the subsidiary organization must be clearly marked "SUBSIDIARY REPORT" at the top of the first page.

Method (3) - File, with the labor organization's Form LM-2, the regular annual reports of the financial condition and operations of each subsidiary organization, accompanied by a statement signed by an independent public accountant certifying that the financial reports present fairly the financial condition and operations of each subsidiary organization and were prepared in accordance with generally accepted accounting principles.

Financial information reported separately for subsidiary organizations, as required under methods (2) and (3) above, must be submitted in duplicate and must include the name of the subsidiary organization and the name and file number of the labor organization as shown on its Form LM-2. The financial report of the subsidiary organization must cover the same reporting period as that used by the reporting labor organization.

When method (2) or (3) is used and the subsidiary organization is an investment, the financial interest of the reporting labor organization in the subsidiary organization must be reported in Item 29 (Other Investments) and in Schedule 2 (Investments Other than U.S. Treasury Securities and Mortgage Investments) of the labor organization's Form LM-2. When method (2) or (3) is used and the subsidiary organization is of a non-investment nature, the financial interest of the reporting labor organization in the subsidiary organization must be reported in Item 31 (Other Assets) and in Schedule 3 (Other Assets) of the labor organization's Form LM-2.

The same type of information required on Form LM-2 regarding disbursements to officers and employees and loans made by labor organizations must also be reported with respect to each subsidiary organization. In method (1) the information relating to the subsidiary organization must be combined with that of the labor organization and reported on the labor organization's

Form LM-2 in Schedules 1, 9, and 10. In method (2) this information must be included in Schedules 1, 9, and 10 of the separate Form LM-2 used for reporting the financial condition and operations of the subsidiary organization. If method (3) is used, an attachment must be submitted containing the information required by the instructions for Schedules 1, 9, and 10.

The information regarding loans made by the subsidiary organization must include a listing of the names of each officer, employee, or member of the labor organization and each officer or employee of the subsidiary organization whose total loan indebtedness to the subsidiary organization, to the labor organization, or to both at any time during the reporting period exceeded $250. However, if method (2) or (3) is used, the amount reported by the subsidiary organization should be only the amount owed to the subsidiary organization.

The annual financial report must also include all disbursements made by the subsidiary organization to or on behalf of its officers and officers of the labor organization. The report must also list the name and position of the subsidiary organization's employees whose total gross salaries, allowances, and other disbursements from the subsidiary organization, the reporting labor organization, and any affiliates were more than $10,000. However, if method (2) or (3) is used, only the disbursements of the subsidiary organization for its employees should be reported.

## X. COMPLETING FORM LM-2

### NUMBER OF COPIES

Three blank copies of Form LM-2 are included in this report package. The original and one duplicate copy must be filed with OLMS. A third copy should be maintained in your organization's records.

### LEGIBILITY

Entries on Form LM-2 should be typed or clearly printed in ink. Do not use a pencil.

### ADDRESS LABEL

If this report package was mailed to you with an address label, peel off the top label and place it in the corresponding box on the second copy of the form, so that address labels are affixed to the two copies being mailed to OLMS. Use the pre-printed labels even if the information on them is incorrect.

### FILE NUMBER

OLMS assigns each reporting labor organization a 6-digit file number. If this Form LM-2 was mailed to you with an address label, your organization's file number is the 6-digit number on the first line of the label. If you do not have a label and you cannot obtain the file number from prior reports filed by your organization, contact the nearest OLMS field office listed on the last page of these instructions to obtain your organization's file number. Your organization's 6-digit file number must be entered in Item 1 and in the File Number boxes at the top of pages 3 and 5 of Form LM-2.

### ADDITIONAL PAGES

Some of the items on Form LM-2 require that further details be provided in Item 76 (Additional Information) on page 6. If there is not enough space in Item 76, enter the additional information on a separate letter-size page(s), giving the number of the item to which the information applies. Print clearly at the top of each attached page the name of your organization, its 6-digit file number as reported in Item 1 of Form LM-2, and the ending date of the reporting period as reported on the second line of Item 2. This identifying information should also be printed on each page of the required explanation of your organization's functional allocation method as discussed in the instructions for completing Statement C and on any additional pages used for Schedules 1-14. All attachments must be labeled sequentially 1 of __, 2 of __, etc.

**AFFILIATES**

"Affiliates," within the meaning of these instructions, are labor organizations chartered by the same parent body, governed by the same constitution and bylaws, or having the relationship of parent and subordinate. For example, a parent body is an affiliate of all its subordinate bodies, and all subordinate bodies of the same parent body are affiliates of each other.

## INFORMATION ITEMS 1 - 23

Answer all Items 1 through 23 as instructed. Enter "None" or "Not Applicable" as appropriate. Check the appropriate box for those questions requiring a "Yes" or "No" answer; do not leave both boxes blank. If you do not have an address label or the information on the label is incorrect, complete Items 5 through 9 in their entirety. If the label information is correct, leave Items 5 through 9 blank.

1. **FILE NUMBER** - Enter the 6-digit file number which OLMS assigned to your organization. Your organization's 6-digit file number must also be entered in the File Number boxes at the top of pages 3 and 5 of Form LM-2.

2. **PERIOD COVERED** - Enter the beginning and ending dates of the period covered by this report. For example, if your organization's 12-month fiscal year begins on January 1 and ends on December 31, enter these dates as "1/1/9__" and "12/31/9__." Your organization's report should never cover more than a 12-month period. It would be incorrect to enter January 1 of one year through January 1 of the next year.

If your organization changes its fiscal year, enter in Item 2 the ending date for the period of less than 12 months, which is your organization's new fiscal year ending date, and report in Item 76 that your organization changed its fiscal year. For example, if your organization's fiscal year ending date changes from June 30 to December 31, a report must be filed for the partial year from July 1 to December 31. Thereafter, your organization's annual report should cover a full 12-month period from January 1 to December 31.

3. **WHERE LOCATED OR CHARTERED TO OPERATE** - Enter the city, county, and state where your organization is located or chartered to operate. If no single city is named in your charter or is authorized by your national or international labor organization, enter the city, county, and state in which your organization's main office, other than a private residence, is

located. If your organization has no office, enter the city, county, and state where most of the members work. The city, county, and state reported should generally remain the same from year to year and should not be changed on your organization's report because of a change in officers or the mailing address reported in Item 9.

**4. ACCOUNTING METHOD** - Indicate the method of accounting (cash basis or accrual basis) used in preparing this report. Under the cash method of accounting, receipts are recorded when money is actually received and disbursements are recorded when money is actually paid out by your organization. Under the accrual method, revenues are recorded when earned and expenses are recorded when incurred, although such revenues and expenses may not have been actually received or paid in cash. Form LM-2 must be prepared using the same accounting method that your organization regularly uses to maintain its books and records.

> NOTE: Form LM-2 is designed to be completed on the cash basis of accounting. Supplemental guidelines to assist accrual filers in preparing Form LM-2 are provided throughout these instructions. The special accrual guidelines are preceded by the symbol [A]. Cash filers should ignore the guidelines for accrual filers.

**5. AFFILIATION OR ORGANIZATION NAME** - Enter the name of the national or international labor organization which granted your organization a charter. If your organization has no such affiliation, enter the name of your organization as currently identified in your organization's constitution and bylaws or other organizational documents.

**6. DESIGNATION** - Enter the designation that specifically identifies your organization, such as Local, Lodge, Branch, Joint Board, Joint Council, District Council, etc.

**7. DESIGNATION NUMBER** - Enter the number or other descriptive term, if any, by which your organization is known.

**8. UNIT NAME** - Enter any additional name by which your organization is known, such as "Chicago Area Local."

**9. MAILING ADDRESS** - Enter the current address where mail will most surely and quickly reach your organization. Be sure to indicate the name and title of the person, if any, to whom such mail should be sent and include any building and room number.

**10. PLACE WHERE RECORDS ARE KEPT** - If the records required to be kept by your organization to verify this report are kept at the address reported in Item 9 (or the address on the address label), check "Yes." If not, check "No" and provide in Item 76 the address, including the ZIP Code, where your organization's records are kept.

**11. ACCOUNTS IN FINANCIAL INSTITUTIONS** - If Item 11 is checked "Yes," provide in Item 76 the name in which each such account of your organization was held and the name and address of the financial institution in which each such account was held.

12. **LIQUIDATION OF LIABILITIES** - If Item 12 is checked "Yes," provide in Item 76 all details in connection with the liquidation or reduction of your organization's liabilities without the disbursement of cash.

13. **SUBSIDIARY ORGANIZATIONS** - If Item 13 is checked "Yes," describe in Item 76 the nature and purpose of each subsidiary organization and the relationship between the subsidiary organization and your organization. Indicate whether the information concerning its financial condition and operations is included in this Form LM-2 or in a separate report. See Section IX of these instructions for information on reporting subsidiary organizations.

14. **ACQUISITION OR DISPOSITION OF PROPERTY** - If Item 14 is checked "Yes," describe in Item 76 the manner in which your organization acquired or disposed of property, such as gifts of office furniture or equipment to charitable organizations. Include the type of property, its value, and the identity of the recipient or donor, if any. Also report in Item 76 the cost or other basis at which any acquired assets were entered on your organization's books or at which any assets disposed of were carried on your organization's books. Item 14 should not include assets traded in on assets purchased which must be reported on Line 7 of Schedule 6.

15. **TRUSTS OR FUNDS** - Item 15 refers to any trust in which a labor organization is interested which is defined in section 3(l) of the LMRDA as "a trust or other fund or organization (1) which was created or established by a labor organization, or one or more of the trustees or one or more members of the governing body of which is selected or appointed by a labor organization, and (2) a primary purpose of which is to provide benefits for the members of such labor organization or their beneficiaries."

If Item 15 is checked "Yes," provide in Item 76 the name, address, and purpose of each trust. If a report has been filed for the trust or other fund under the Employee Retirement Income Security Act of 1974 (ERISA), report in Item 76 the ERISA file number (Employer Identification Number - EIN) and plan number, if any.

16. **LOSSES OR SHORTAGES** - If Item 16 is checked "Yes," describe the loss or shortage in detail in Item 76, including such information as the amount of the loss or shortage of funds or a description of the property that was lost, how it was lost, and to what extent, if any, there has been an agreement to make restitution or any recovery by means of repayment, fidelity bond, insurance, or other means.

17. **FIDELITY BOND** - Check Item 17 "Yes" if your organization was insured by a fidelity bond against losses through fraud or dishonesty during the reporting period.

NOTE: If your organization had property and annual financial receipts which totaled $5,000 or more, each of your organization's officers, employees, and agents who handle funds or other property of your organization must be bonded. The amount of the bond must be at least 10% of the value of the funds handled by the individual during the last reporting period, up to a maximum bond of $500,000. The bond must be obtained from a surety company approved by the Secretary of the Treasury. If you have any questions or need more information

about bonding requirements, contact the nearest OLMS field office listed on the last page of these instructions.

**18. BOND AMOUNT** - If Item 17 is checked "Yes," enter the maximum amount recoverable for a loss caused by any person handling your organization's funds.

**19. NEXT REGULAR ELECTION** - Enter the month and year of your organization's next regular election of general officers (president, vice president, treasurer, secretary, etc.). Do not include the date of any interim election to fill vacancies.

**20. PLEDGED OR ENCUMBERED ASSETS** - If Item 20 is checked "Yes," identify in Item 76 any of your organization's assets pledged or encumbered in any way (such as those pledged as collateral for a loan) at the end of the reporting period. Also report in Item 76 their fair market value, and provide details of transactions related to the encumbrance.

**21. CONTINGENT LIABILITIES** - If Item 21 is checked "Yes," describe in Item 76 transactions or events resulting in the contingent liabilities and include the identity of the claimant or creditor. Examples of a contingent liability are a loan co-signed by your organization and a pending lawsuit which could result in your organization being ordered to pay damages or make other payments.

**22. CONSTITUTION AND BYLAWS CHANGES** - If Item 22 is checked "Yes," complete Form LM-1A (Report of Current Status: Labor Organization Information Supplement), and attach it to Form LM-2, together with any documents required by Form LM-1A.

Your organization must file Form LM-1A to update information on file with OLMS if there have been any changes during the reporting period in your organization's constitution and bylaws (other than changes of specific amounts of dues and fees required of members) or in any practices described in statements previously submitted with Form LM-1 (Labor Organization Information Report) or Form LM-1A.

**23. FEES AND DUES** - Enter the fees and dues established by your organization. Use section (A) if only one rate applies; use section (B) to enter the minimum and maximum rates of fees and dues if more than one rate applies.

**Line (a):** Enter the initiation fees required from new members.

**Line (b):** Enter the fees other than dues required from transfer members. Such fees are those charged to persons applying for a transfer of membership to your organization from another labor organization with the same affiliation. Do not report fees charged to members transferring from one class of membership to another within your organization.

**Line (c):** If your organization issues work permits, check "Yes" and enter the fees required per year, month, etc. Work permit fees are fees charged to nonmembers of your organization who work within its jurisdiction. Do not report as work permit fees those fees charged to nonmember applicants for membership pending acceptance of their membership application, or fees charged to persons applying for transfer of membership to your organization pending acceptance of their application for transfer.

**Line (d):** Enter the regular dues or fees or other periodic payments which a member must pay to be in good standing in your organization and enter the calendar basis for payment (per year, month, etc.). Include only the dues or fees of regular members and not the dues or fees of members with special rates, such as apprentices, retirees, or unemployed members.

## FINANCIAL DETAILS

### ACCOUNTING METHOD

As explained in the instructions for Item 4, Form LM-2 must be prepared using the same method of accounting (cash basis or accrual basis) that your organization regularly uses to maintain its books and records. Under the cash method of accounting, receipts are recorded when money is actually received and disbursements are recorded when money is actually paid out by your organization. Under the accrual method, revenues are recorded when earned and expenses are recorded when incurred. Form LM-2 is designed to be completed on the cash basis of accounting. Supplemental guidelines to assist accrual filers in preparing Form LM-2 are provided throughout these instructions. The special accrual guidelines are preceded by the symbol [A]. Cash filers should ignore the guidelines for accrual filers.

### REPORT ONLY DOLLAR AMOUNTS

Report all amounts in dollars only. Round cents to the nearest dollar.

### REPORTING CLASSIFICATIONS ON THE FORM

Complete all items and lines on the form as given. Do not use different accounting classifications or change the wording of any item or line.

[A] **Accrual Filers** - The prescribed Form LM-2 classifications must be used except as noted in the special accrual guidelines. Cross out the printed item or line name and enter the appropriate name only as instructed.

### BEGINNING AND ENDING AMOUNTS

Entries in Schedules 1 and 8 and in Statement A must report amounts for both the start and the end of the reporting period. The amounts entered for the start of the reporting period on your organization's report should be identical to the amounts entered for the end of the reporting period on last year's report. If the amounts are not the same, fully explain the difference in Item 76.

### CONSOLIDATED REPORTS

If your organization has a "special fund" or is filing a report consolidating the finances of your organization and any subsidiary organization in accordance with method (1) of the instructions in Section IX, be sure to include the required information and amounts for the "special funds" and any subsidiary organization as well as for your organization in all items and schedules.

### COMPLETE SCHEDULES FIRST

Complete Schedules 1 through 14 and transfer the totals as indicated before completing Statements A through C. Be sure to complete all applicable lines in Schedules 1 through 14.

[A] **Accrual Filers** - See the special guidelines designated by the symbol [A] for Schedules 1, 6, 7, 8, 9, and 10 regarding the transfer of totals to Statement B.

**COMPLETE ALL ITEMS 24 THROUGH 75**

Complete all items in Statement A and Statement B. Enter "00" where appropriate.

## SCHEDULES 1 - 14

If there is not enough space to report all the required information and amounts in any schedule, duplicate the blank schedule or use separate letter-size pages (8½" x 11") to report the additional information and attach them to Form LM-2. Be sure to use the same format as the schedule (that is, the same line and column headings) for any attached pages. Also be sure that each attached page identifies the schedule to which it applies and that the name, file number, and ending date of the reporting period of your organization are clearly printed at the top of each attached page. All attached pages should be labeled sequentially 1 of __, 2 of __, etc. Totals from any additional pages must be entered on the line provided in each schedule.

[A] **Accrual Filers** - Unless otherwise instructed, report in Schedules 1 through 14 revenues earned and expenses incurred by your organization during the reporting period.

**SCHEDULE 1 - LOANS RECEIVABLE** - Report details of all direct and indirect loans (whether or not evidenced by promissory notes or secured by mortgages) owed to your organization at any time during the reporting period by individuals, business enterprises, benefit plans, and other entities including labor organizations. An example of an indirect loan is a disbursement by your organization to an educational institution for the tuition expense of an officer, employee, or member which must be repaid to your organization by that individual. Be sure to report all loans that were made and repaid in full during the reporting period. Do not include investments in corporate bonds which must be reported in Schedule 2 or mortgages purchased on a block basis through a bank or similar institution which must be reported in Item 28 (Mortgage Investments).

**Column (A):** Enter the following information on Lines 1 and 2 (and on additional pages if necessary):

- the name of each officer, employee, or member whose total loan indebtedness to your organization, including any subsidiary organization, at any time during the reporting period exceeded $250, and the name of each business enterprise which had any loan indebtedness, regardless of amount, at any time during the reporting period;
- the purpose of each loan;
- the security given for each loan; and
- the terms of repayment for each loan.

For each officer or employee listed, indicate after each name either "O" (officer) or "E" (employee).

**Column (B):** Enter on Lines 1 and 2 the loan amounts outstanding at the start of the reporting period from each listed individual and business enterprise. Enter on Line 3 the total from any additional pages. Enter on Line 4 the total of loans made to officers, employees, or members whose total individual loan indebtedness to your organization at any time during the reporting period did not exceed $250; and all loans, regardless of amount, made to other individuals and entities. Add Lines 1 through 4 and enter the total on Line 5 and in Item 26, Column (A) of Statement A.

**Column (C):** Enter on Lines 1 and 2 the amount of loans made during the reporting period to each listed individual and business enterprise. Enter on Line 3 the total from any additional pages. Enter on Line 4 the total of all other loans made during the reporting period. Add Lines 1 through 4 and enter the total on Line 5 and in Item 69 of Statement B.

**Columns (D)(1) and (D)(2):** Enter on Lines 1 and 2 the amount of loan repayments during the reporting period from each listed individual and business enterprise. Report only repayments of principal; interest received must be reported in Item 46. Use Column (D)(1) to report repayments received in cash. Use Column (D)(2) to report repayments made in a manner other than cash, such as repayments made by officers or employees by means of deductions from their salaries. Enter on Line 3 the totals from any additional pages. Enter on Line 4 the amount of loan repayments from all other loans. Add Lines 1 through 4, Columns (D)(1) and (D)(2), and enter the totals on Line 5. Enter the total from Line 5, Column (D)(1) in Item 51 of Statement B. Explain in Item 76 any non-cash amounts reported in Column (D)(2).

**Column (E):** Enter on Lines 1 and 2 the loan amounts outstanding at the end of the reporting period for each listed individual and business enterprise. Enter on Line 3 the total from any additional pages. Enter on Line 4 the total amount outstanding at the end of the reporting period for all other loans. Add Lines 1 through 4 and enter the total on Line 5 and in Item 26, Column (B) of Statement A. If any loans receivable were written off during the reporting period, the reason and the amount must be reported in Item 76.

A **Accrual Filers** - Complete Schedule 1 in its entirety in accordance with the instructions. However, do not transfer the totals on Line 5 in Columns (C) and (D)(1) to Statement B as indicated since these amounts are not reportable as revenues and expenses.

**SCHEDULE 2 - INVESTMENTS OTHER THAN U.S. TREASURY SECURITIES AND MORTGAGE INVESTMENTS** - Report details of all your organization's investments at the end of the reporting period, other than U.S. Treasury securities and mortgage investments, including investments in any subsidiary organization not reported on a consolidated basis in accordance with method (1) explained in Section IX of these instructions. Mortgage investments are mortgages purchased on a block basis through a bank or similar institution. Do not include savings accounts, certificates of deposit, or money market accounts which must be reported in Item 24 as cash.

**Line 1:** Enter in Column (B) the total cost of all your organization's marketable securities including transaction costs such as brokerage commissions. Marketable securities are those for

which current market values can be obtained from published reports of transactions in listed securities or in securities traded "over the counter," such as corporate stocks and bonds, stock and bond mutual funds, state and municipal bonds, and foreign government securities.

**Line 2:** Enter in Column (B) the total book value of all your organization's marketable securities. Book value is the lower of cost or market value.

**Line 3:** List in Column (A) each marketable security which has a book value over $1,000 and exceeds 20% of the total book value entered on Line 2 and enter its book value in Column (B).

**Line 4:** Enter the total cost, including any transaction costs, of all your organization's other investments (that is, those which are not U.S. Treasury securities, mortgage investments, or marketable securities).

**Line 5:** Enter the total book value of such other investments. Book value is the lower of cost or market value.

**Line 6:** List in Column (A) each other investment which has a book value over $1,000 and exceeds 20% of the total book value entered on Line 5 and enter its book value in Column (B).

> NOTE: If your organization has a subsidiary organization for which a separate report is being submitted in accordance with Section IX of these instructions, the subsidiary organization must be reported in Schedule 2 if it is an investment. Enter on Lines 6(a) through (d) the name of each subsidiary organization in Column (A) and its book value in Column (B).

Enter on Line 6(e) the total from any additional pages.

**Line 7:** Add Lines 2 and 5 and enter the total on Line 7 and in Item 29, Column (B) of Statement A.

**SCHEDULE 3 - OTHER ASSETS** - Report details of all your organization's assets at the end of the reporting period other than Cash (Item 24), Accounts Receivable (Item 25), Loans Receivable (Item 26), U.S. Treasury Securities (Item 27), Mortgage Investments (Item 28), Other Investments (Item 29), and Fixed Assets (Item 30).

These assets must be described in Column (A) and may be classified by general groupings or bookkeeping categories, such as utility deposits or inventory of supplies for resale, if the description is sufficient to identify the type of assets. Enter in Column (B) the value as shown on your organization's books of each asset or group of assets described in Column (A).

> NOTE: If your organization has a subsidiary organization for which a separate report is being submitted in accordance with Section IX of these instructions, the value of the subsidiary organization as shown on your organization's books must be reported in Schedule 3 if it is of a non-investment nature. Enter in Column (A) the name of each such subsidiary organization. Enter in Column (B) the value as shown on your organization's books of the net assets of each such subsidiary organization.

Enter on Line 5 the total from any additional pages. Add Lines 1 through 5 and enter the total on Line 6 and in Item 31, Column (B) of Statement A.

[A] **Accrual Filers** - Report in Schedule 3 the amounts receivable for revenues earned but not received by the end of the reporting period for all assets other than those reported in Item 25 (Accounts Receivable) and Item 26 (Loans Receivable). Include any prepaid expenses.

**SCHEDULE 4 - OTHER LIABILITIES** - Report details of all your organization's liabilities at the end of the reporting period other than Accounts Payable (Item 33), Loans Payable (Item 34), and Mortgages Payable (Item 35).

These liabilities must be described in Column (A) and may be classified by general groupings or bookkeeping categories if the description is sufficient to identify the type of liability. List separately any payroll taxes withheld but not yet paid, other unpaid payroll taxes of your organization, such as FICA taxes, and any funds collected on behalf of affiliates or members and not disbursed by the end of the reporting period. Do not include reserves for special purposes (for example, "Reserve for Building Fund") which are actually an allocation of certain assets for specific purposes rather than a liability.

Enter in Column (B) the amount of each liability described in Column (A). Enter on Line 8 the total from any additional pages. Add Lines 1 through 8 and enter the total on Line 9 and in Item 36, Column (D) of Statement A.

[A] **Accrual Filers** - Report in Schedule 4, in the detail required by the instructions for Schedule 4, all liabilities for expenses incurred but not paid by the end of the reporting period which are not reportable as Accounts Payable (Item 33), Loans Payable (Item 34), and Mortgages Payable (Item 35).

**SCHEDULE 5 - FIXED ASSETS** - Report details of all fixed assets, such as land, buildings, automotive equipment, and office furniture and equipment owned by your organization at the end of the reporting period. Include fixed assets that were expensed (that is, the cost of the asset was charged to current expenses, rather than entered on the books and periodically depreciated), fully depreciated, or carried on your organization's books at scrap value or other nominal value.

**Column (A):** Enter on Line 1 the location of any land and enter on Line 3 the location of any buildings owned by your organization.

**Column (B):** Enter the cost or other basis of the fixed assets listed in Column (A), including totals from any additional pages.

**Column (C):** Enter the accumulated depreciation, if any, of the fixed assets (except land) listed in Column (A) whose cost or other basis is reported in Column (B), including totals from any additional pages. If your organization "expenses" fixed assets, also include in Column (C) the amount that your organization charged to expenses when the assets were purchased.

**Column (D):** Enter the amount at which the fixed assets listed in Column (A) are carried on your organization's books, including totals from any additional pages. Include the nominal amount, if any, at which fully depreciated assets are carried on your organization's books. The amount reported in Column (D) should be the difference between Columns (B) and (C).

**Column (E):** Enter the fair market value of land and of all assets listed in Column (A) that were expensed, fully depreciated, or depreciated to scrap value or nominal value, including totals from additional pages. It is not necessary to secure a formal appraisal of the assets; a good faith estimate is sufficient. The value used for insurance purposes or for tax appraisals, for example, will normally be acceptable as representing the fair market value.

Add Lines 1 through 7, Columns (B) through (E), and enter the totals on Line 8. Enter the total from Line 8, Column (D) in Item 30, Column (B) of Statement A.

**SCHEDULE 6 - PURCHASE OF INVESTMENTS AND FIXED ASSETS** - Report details of the purchase by your organization of U.S. Treasury securities, marketable securities, other investments, and fixed assets, including those fixed assets that were expensed, during the reporting period. Include disbursements for mortgages which were purchased on a block basis through a bank or similar institution.

**Column (A):** Enter on Lines 1 through 4 (and on additional pages, if necessary) a general description of the type of investment or fixed assets purchased, such as U.S. Treasury securities, stocks, bonds, land, automobiles, etc. If land or buildings were purchased, enter the location of the property.

**Column (B):** Enter the total cost of each type of investment (including any transaction costs) or fixed assets described in Column (A).

**Column (C):** Enter the value at which the investments or fixed assets were entered on your organization's books.

**Column (D):** Enter the total amount disbursed for each type of investment or fixed assets purchased during the reporting period. Do not include any unpaid balance which must be reported in Schedule 8 or Item 35 (Mortgages Payable).

Enter on Line 5, Columns (B) through (D) the totals from any additional pages. Add Lines 1 through 5, Columns (B) through (D), and enter the totals on Line 6. Enter the total from Line 6, Column (D) in Item 68 of Statement B.

**Assets Traded In on Assets Purchased:**

Enter on Line 7, Column (A) a description of any assets traded in on assets purchased. Enter in Column (B) the total cost of the trade-in. Enter in Column (C) the amount at which the traded asset was carried on your organization's books. Enter in Column (D) the amount allowed for the trade-in, computed as the difference between the cost of the asset purchased and the amount of the additional payment required.

A **Accrual Filers** - Complete Schedule 6 in its entirety in accordance with the instructions. However, do not transfer the total on Line 6, Column (D) to Item 68 as indicated since this amount is not reportable as an expense.

**SCHEDULE 7 - SALE OF INVESTMENTS AND FIXED ASSETS** - Report details of the sale or redemption by your organization of U.S. Treasury securities, marketable securities, other investments, and fixed assets, including those fixed assets that were expensed, during the reporting period. Include receipts from sales of mortgages which were purchased on a block

basis through a bank or similar institution. Do not include the receipts from repayments by individual mortgagors which must be reported in Schedule 1 as loan repayments.

**Column (A):** Enter on Lines 1 through 4 (and on additional pages, if necessary) a general description of the type of investment or fixed assets sold, such as U.S. Treasury securities, stocks, bonds, land, automobiles, etc. If land or buildings were sold, enter the location of the property.

**Column (B):** Enter the total cost of each type of investment (including any transaction costs) or fixed assets described in Column (A).

**Column (C):** Enter the value at which the investments or fixed assets were shown on your organization's books.

**Column (D):** Enter the gross sales (or contract) price of the investments or fixed assets.

**Column (E):** Enter the net amount received from the sale of the investments or fixed assets. If the amount received during the reporting period is less than the amount due (gross sales price less any deductions for selling expenses and repayments of secured loans or mortgages), the additional amount due to your organization must be reported in Schedule 3 with a description sufficient to identify the type of asset. However, if a mortgage or note is taken back, it must be reported as a new loan in Schedule 1.

Enter on Line 5, Columns (B) through (E) the totals from any additional pages. Add Lines 1 through 5, Columns (B) through (E), and enter the totals on Line 6. Enter the total from Line 6, Column (E) in Item 49 of Statement B.

[A] **Accrual Filers** - Complete Schedule 7 in its entirety in accordance with the instructions. However, do not transfer the total on Line 6, Column (E) to Item 49 as indicated since this amount is not reportable as revenue. See the instructions for Item 49 to report gains or losses from sales of investments and fixed assets.

**SCHEDULE 8 - LOANS PAYABLE** - Report details of all loans payable by your organization at any time during the reporting period except those secured by mortgages or similar liens on real property (land or buildings) which must be reported in Item 35 (Mortgages Payable).

**Column (A):** Enter on Lines 1 through 3 (and on additional pages, if necessary) the name of each business enterprise to which a loan was payable. Also list the source of all other loans by general categories, such as banks, labor organizations, individuals, etc.

**Column (B):** Describe the terms for repayment of each loan obtained from listed business enterprises; for example, $50 per month plus interest at 6%.

**Column (C):** Enter the loan amount owed at the start of the reporting period to each listed source of a loan. Enter on Line 4 the total from any additional pages. Add Lines 1 through 4 and enter the total on Line 5 and in Item 34, Column (C) of Statement A.

**Column (D):** Enter the amounts actually received from the loans obtained during the reporting period from the listed business enterprises and other sources. Enter on Line 4 the total from any additional pages. If, due to discounting by a bank or for any other reason, the amount received from a loan was less than the face value of the note or the amount repayable, enter the amount

actually received and explain in Item 76. Add Lines 1 through 4 and enter the total on Line 5 and in Item 50 of Statement B.

**Columns (E)(1) and (E)(2):** Enter the amount of loan repayments made to each listed business enterprise or other source during the reporting period. Report only repayments of principal; interest paid must be reported in Schedule 14. Use Column (E)(1) to report repayments made in cash. Use Column (E)(2) to report repayments made in a manner other than by cash, such as repayments made to a creditor by offsetting an amount owed by the creditor to your organization. Enter on Line 4 the total from any additional pages. Add Lines 1 through 4, Columns (E)(1) and (E)(2), and enter the totals on Line 5. Enter the total from Line 5, Column (E)(1) in Item 70 of Statement B. Explain in Item 76 any non-cash amounts reported in Column (E)(2).

**Column (F):** Enter the loan amount owed at the end of the reporting period to each listed business enterprise or other source. Enter on Line 4 the total from any additional pages. If any loans payable were written off during the reporting period, the reason and amount must be reported in Item 76. Add Lines 1 through 4 and enter the total on Line 5 and in Item 34, Column (D) of Statement A.

[A] **Accrual Filers** - Complete Schedule 8 in its entirety in accordance with the instructions. However, do not transfer the totals on Line 5 in Columns (D) and (E)(1) to Statement B as indicated since these amounts are not reportable as revenues and expenses.

**SCHEDULE 9 - ALL OFFICERS AND DISBURSEMENTS TO OFFICERS -** List all your organization's officers and report all salaries and other direct and indirect disbursements to officers during the reporting period. However, direct and indirect disbursements not involving the payment of some form of cash (cash, checks, money orders, etc.) should not be reported in Schedule 9 but must be explained in Item 76. Any direct or indirect disbursement required to be included in Schedule 9 should not be reported in other disbursement items.

NOTE: A "direct disbursement" to an officer is a payment made by your organization to the officer in the form of cash, property, goods, services, or other things of value.

An "indirect disbursement" to an officer is a payment made by your organization to another party for cash, property, goods, services, or other things of value received by or on behalf of the officer. "On behalf of the officer" means received by a party other than the officer or your organization for the personal interest or benefit of the officer. Such payments include those made through a credit arrangement under which charges are made to the account of your organization and are paid by your organization.

**Columns (A) and (B):** Enter the name and title of every person who held office in your organization at any time during the reporting period. Include all your organization's officers whether or not any salary or other disbursements were made to them or on their behalf by your organization. "Officer" is defined in section 3(n) of the LMRDA as "any constitutional officer, any person authorized to perform the functions of president, vice president, secretary, treasurer,

or other executive functions of a labor organization, and any member of its executive board or similar governing body."

Column (C): Enter the appropriate letter to show the status of each officer: "N" for a new officer who took office since your organization's last annual financial report was filed; "P" for a past officer who was not in office at the end of this reporting period; or "C" for a continuing officer who was in office before this reporting period and was still in office at the end of the reporting period. If any officer was not elected in a regular election in accordance with your organization's constitution and bylaws or other governing documents on file with OLMS, explain the manner in which the officer was chosen in Item 76.

Column (D): Enter the gross salary of each officer (before tax withholdings and other payroll deductions). Include disbursements for "lost time" or time devoted to union activities.

Column (E): Enter the total allowances made by direct and indirect disbursements to each officer on a daily, weekly, monthly, or annual basis. Do not include allowances paid on the basis of mileage or meals which must be reported in Column (F) or (G), as applicable.

Column (F): Enter all direct and indirect disbursements to each officer which were necessary for conducting official business of your organization, except salaries or allowances which must be reported in Columns (D) and (E), respectively.

Examples of disbursements to be reported in Column (F) include: all expenses that were reimbursed directly to an officer, meal allowances and mileage allowances, expenses for officers' meals and entertainment, and various goods and services furnished to officers but charged to your organization. Such disbursements should be included in Column (F) only if they were necessary for conducting official business; otherwise, report them in Column (G).

Do not report the following disbursements in Schedule 9:

- reimbursements to an officer for the purchase of investments and fixed assets, such as reimbursing an officer for a calculator purchased for office use, which must be reported in Schedule 6 and explained in Item 76;
- indirect disbursements for temporary lodging (room rent charges only) or transportation by public carrier necessary for conducting official business while the officer is in travel status away from his home and principal place of employment with your organization if payment is made by your organization directly to the provider or through a credit arrangement and these disbursements are reported in Item 60 (Office and Administrative Expense);
- disbursements made by your organization to someone other than an officer as a result of transactions arranged by an officer in which property, goods, services, or other things of value were received by or on behalf of your organization rather than the officer, such as rental of offices and meeting rooms, purchase of office supplies, refreshments and other expenses of membership banquets or meetings, and food and refreshments for the entertainment of groups other than the officers and membership on official business;
- office supplies, equipment, and facilities furnished to officers by your organization for use in conducting official business; and

- maintenance and operating costs of your organization's assets, including buildings, office furniture, and office equipment; however, see "Special Rules for Automobiles" below.

**Column (G):** Enter all other direct and indirect disbursements to each officer not included elsewhere in this report. Include all disbursements for which cash, property, goods, services, or other things of value were received by or on behalf of each officer and were essentially for the personal benefit of the officer and not necessary for conducting official business of your organization. However, disbursements for occasional non-cash gifts of insubstantial value need not be included in Column (G) if reported in Schedule 12.

Include in Column (G) all disbursements for transportation by public carrier between the officer's home and place of employment or for other transportation not involving the conduct of official business. Also include the operating and maintenance costs of all your organization's assets (automobiles, etc.) furnished to officers essentially for the officers' personal use rather than for use in conducting official business.

Do not include in Column (G) loans to officers which must be reported in Schedule 1 or disbursements for benefits to officers which must be reported in Schedule 11.

Enter on Line 10, Columns (D) through (G) the totals from any additional pages.

**Column (H):** Add Columns (D) through (G) for each of Lines 1 through 10 and enter the totals in Column (H).

Add Lines 1 through 10, Columns (D) through (H), and enter the totals on Line 11. Enter the total from Line 11, Column (H) in Line 1, Column (A) of Statement C.

Enter on Line 12 the total amount of withheld taxes, payroll deductions, and all other deductions. Subtract Line 12 from Line 11, Column (H), and enter the difference on Line 13 and in Item 56 of Statement B.

Disbursements for the transmittal of withheld taxes must be reported in Item 67 (Withholding Taxes) of Statement B. Disbursements for the transmittal of all other payroll and other deductions must be reported in Schedule 14. Any portion of withheld taxes or any other payroll or other deductions which have not been transmitted at the end of the reporting period are liabilities of your organization and must be reported in Schedule 4. Payroll or other deductions which are retained by your organization (such as repayments of loans to officers) must be fully explained in Item 76.

[A] **Accrual Filers** - Cross out references to "disbursements" and enter the term "expenses." Report in Columns (D) through (G) of Schedule 9, in the detail required by the instructions for Schedule 9, the total salary, allowances, and other direct and indirect expenses incurred by each officer. The total on Line 11, Column (H) of Schedule 9 must be reported in Item 56 of Statement B and in Line 1, Column (A) of Statement C. Do not complete Lines 12 and 13 in Schedule 9.

## SPECIAL RULES FOR AUTOMOBILES

Include in Column (G) of Schedule 9 that portion of the operating and maintenance costs of any automobile owned or leased by your organization to the extent that the use was for the personal

benefit of the officer to whom it was assigned. This portion may be computed on the basis of the mileage driven on official business compared with the mileage for personal use. The portion not included in Column (G) must be reported in Column (F).

Alternatively, rather than allocating these operating and maintenance costs between Columns (F) and (G), if 50% or more of the officer's use of the vehicle was for official business, your organization may enter in Column (F) all disbursements relative to that vehicle with an explanation in Item 76 indicating that the vehicle was also used part of the time for personal business. Likewise, if less than 50% of the officer's use of the vehicle was for official business, your organization may report all disbursements relative to the vehicle in Column (G) with an explanation in Item 76 indicating that the vehicle was also used part of the time on official business.

The amount of decrease in the market value of an automobile used over 50% for the personal benefit of an officer must also be reported in Item 76.

SCHEDULE 10 - DISBURSEMENTS TO EMPLOYEES - Report all direct and indirect disbursements to employees of your organization during the reporting period. The definitions of "direct disbursements" and "indirect disbursements" are the same as the definitions in reference to officers in Schedule 9.

Enter in Columns (A) and (B) the name and position of each employee who during the reporting period received more than $10,000 in gross salaries, allowances, and other direct and indirect disbursements from your organization (including any subsidiary organization) or from your organization and any affiliates. ("Affiliates" means labor organizations chartered by the same parent body, governed by the same constitution and bylaws, or having the relation of parent and subordinate.) Your organization's report, however, should not include disbursements made by affiliates, but should include only the disbursements made by your organization.

Enter in Column (C) the name of any affiliate which paid any salaries, allowances, or expenses on behalf of a listed employee. If a subsidiary of your organization paid any salaries, allowances, or expenses on behalf of a listed employee, see Section IX of these instructions for information about reporting these disbursements.

To complete Columns (D) through (G), follow the instructions for Columns (D) through (G) of Schedule 9.

Enter on Line 9, Columns (D) through (G) the totals from any additional pages. Enter on Line 10, Columns (D) through (G) the totals of all gross salaries, allowances, and other disbursements for all employees of your organization not required to be listed above. Add Columns (D) through (G) for each of Lines 1 through 10 and enter the totals in Column (H).

Add Lines 1 through 10, Columns (D) through (H), and enter the totals on Line 11. Enter the total from Line 11, Column (H) in Line 2, Column A of Statement C.

Enter on Line 12 the total amount of withheld taxes, payroll deductions, and all other deductions. Subtract Line 12 from Line 11, Column (H) and enter the difference on Line 13 and in Item 57 of Statement B.

Disbursements for the transmittal of withheld taxes must be reported in Item 67 (Withholding Taxes) of Statement B. Disbursements for the transmittal of all other payroll and other deductions must be reported in Schedule 14. Any portion of withheld taxes or any other payroll

or other deductions which have not been transmitted at the end of the reporting period are liabilities of your organization and must be reported in Schedule 4. Payroll or other deductions which are retained by your organization (such as repayments of loans to employees) must be fully explained in Item 76.

[A] **Accrual Filers** - Cross out the references to "disbursements" and enter the term "expenses." Report in Columns (D) through (G) of Schedule 10, in the detail required by the instructions for Schedule 10, the total salary, allowances, and other direct and indirect expenses incurred by each employee including all employees who received $10,000 or less reported on Line 10. The total from Line 11, Column (H) of Schedule 10 must be reported in Item 57 of Statement B and in Line 2, Column (A) of Statement C. Do not complete Lines 12 and 13 in Schedule 10.

**SCHEDULE 11 - BENEFITS** - Report all direct and indirect benefit disbursements made by your organization during the reporting period. Direct benefit disbursements are those made to officers, employees, members, and their beneficiaries from your organization's funds. Indirect benefit disbursements are those made from your organization's funds to a separate and independent entity, such as a trust or insurance company, which in turn and under certain conditions will pay benefits to the covered individuals. An example of an indirect benefit disbursement is the premium on group life insurance.

Enter in Column (A) the type of benefit, such as pension, welfare, etc. Enter in Column (B) to whom payment was made; for example, union members, insurance company, etc. Enter in Column (C) the amount disbursed for each type of benefit. Enter on Line 10 the total from any additional pages. Add Lines 1 through 10 and enter the total on Line 11, Column (C), and in Item 63 of Statement B.

**SCHEDULE 12 - CONTRIBUTIONS, GIFTS, AND GRANTS** - Report all disbursements for contributions, gifts, and grants made by your organization during the reporting period. These disbursements must be described in Column (A) and may be classified by general groupings if the description is sufficient to identify the type of recipient; for example, contributions to charities or to labor organizations or grants to educational institutions. Do not include any gifts or gratuities to officers or employees of your organization which must be reported in Schedule 9 or 10, Column (G). However, disbursements for occasional non-cash gifts of insubstantial value to officers and employees may be reported in Schedule 12 rather than Schedule 9 or 10.

Enter in Column (B) the amount disbursed for each entry listed in Column (A). Enter on Line 10 the total from any additional pages. Add Lines 1 through 10 and enter the total on Line 11 and in Item 64 of Statement B.

**SCHEDULE 13 - OTHER RECEIPTS** - Report all your organization's receipts for the reporting period other than those that must be reported elsewhere in Statement B, such as reimbursements from officers and employees for excess expense payments; receipts from fund-raising activities such as raffles, bingo games, and dances; funds received from a parent body, other unions, or the public for strike fund assistance; and receipts from another labor organization which merged into your organization. These receipts must be described in Column (A) and may be classified

by general groupings or bookkeeping categories if the descriptions are sufficient to identify their source. Do not describe any of these receipts as "Miscellaneous" since that classification is not sufficiently descriptive.

Enter in Column (B) the amount received for each general grouping and category listed in Column (A). Enter on Line 10 the total from any additional pages. Add Lines 1 through 10 and enter the total on Line 11 and in Item 54 of Statement B.

[A] **Accrual Filers** - Cross out "receipts" in the schedule name and enter "revenues." Report in Schedule 13 all revenues earned by your organization not reported elsewhere in Statement B. Do not report any funds received by your organization for transmittal to third parties since these funds are not revenues of your organization. However, the total of these receipts must be reported in Item 76. An example is funds received by your organization from a grievance settlement for disbursement to a member.

**SCHEDULE 14 - OTHER DISBURSEMENTS** - Report all your organization's disbursements for the reporting period not reported elsewhere in Statement B, such as savings withheld from an officer's salary for payment into the officer's personal account in a financial institution or dues withheld from an employee's salary. These disbursements must be described in Column (A) and may be classified by general groupings or bookkeeping categories if the descriptions are sufficient to identify their purpose. Do not describe any of these disbursements as "Miscellaneous" since that classification is not sufficiently descriptive.

Enter in Column (B) the amount disbursed for each general grouping and category listed in Column (A). Enter on Line 10 the total from any additional pages. Add Lines 1 through 10 and enter the total on Line 11 and in Item 74 of Statement B.

[A] **Accrual Filers** - Cross out "disbursements" in the schedule name and enter "expenses." Report in Schedule 14 all expenses incurred by your organization not reported elsewhere in Statement B, such as depreciation expense and bad debt expense. Do not report any disbursements of funds received for transmittal to third parties since these disbursements are not expenses of your organization.

## STATEMENT A - ASSETS AND LIABILITIES

### ASSETS

24. **CASH** - Enter the total of all your organization's cash on hand and on deposit at the start and end of the reporting period in Columns (A) and (B), respectively. Include all cash on hand, such as undeposited cash, checks, and money orders; petty cash; and cash in safe deposit boxes. Cash on deposit includes funds in banks, credit unions, and other financial institutions, such as checking accounts, savings accounts, certificates of deposit, and money market accounts. Also, include any interest credited to your organization's account during the reporting period.

NOTE: The checking account balances reported should be obtained from your organization's books as reconciled with the balances shown on bank statements.

**25. ACCOUNTS RECEIVABLE** - Enter the total of all accounts receivable due your organization at the start and end of the reporting period in Columns (A) and (B), respectively.

[A] **Accrual Filers** - Change the name of Item 25 to "Net Accounts Receivable." Report in Item 25 accounts receivable less any allowance for doubtful accounts. Include accounts receivable from Dues (Item 39), Per Capita Tax (Item 40), Fees, Fines, Assessments, and Work Permits (Items 41-44), and Sale of Supplies (Item 45).

**26. LOANS RECEIVABLE** - Enter in Column (A) the total reported on Line 5, Column (B) of Schedule 1. Enter in Column (B) the total reported on Line 5, Column (E) of Schedule 1.

**27. U.S. TREASURY SECURITIES** - Enter the total value of all U.S. Treasury securities as shown on your organization's books at the start and end of the reporting period in Columns (A) and (B), respectively. If the value reported is different than the original cost, the original cost must be reported in Item 76. Other U.S. Government obligations, state and municipal bonds, and foreign government securities must be reported in Schedule 2 under "Marketable Securities" and in Item 29 (Other Investments).

**28. MORTGAGE INVESTMENTS** - Enter the total value of all mortgages purchased on a block basis through a bank or similar institution as shown on your organization's books at the start and end of the reporting period in Columns (A) and (B), respectively. If the value reported is different than unrecovered cost, the unrecovered cost must be reported in Item 76. Do not include mortgage secured loans made by your organization which must be reported in Schedule 1 and Item 26 (Loans Receivable).

**29. OTHER INVESTMENTS** - Enter in Column (A) the total book value at the start of the reporting period of all investments not reported in Item 27 or 28. Enter in Column (B) the total reported on Line 7 of Schedule 2.

**30. FIXED ASSETS** - Enter in Column (A) the total value as shown on your organization's books at the start of the reporting period of all fixed assets, such as land, buildings, automobiles, and office furniture and equipment. Enter in Column (B) the total reported on Line 8, Column (D) of Schedule 5.

**31. OTHER ASSETS** - Enter in Column (A) the total value as shown on your organization's books at the start of the reporting period of all assets not reported in Items 24 through 30. Enter in Column (B) the total reported on Line 6 of Schedule 3.

**32. TOTAL ASSETS** - Add Items 24 through 31, Columns (A) and (B), and enter the respective totals in Item 32.

## LIABILITIES

33. **ACCOUNTS PAYABLE** - Enter the total amount of your organization's accounts payable at the start and end of the reporting period in Columns (C) and (D), respectively. Ordinarily, accounts payable are those obligations incurred on an open account for goods and services rendered.

34. **LOANS PAYABLE** - Enter in Column (C) the total reported on Line 5, Column (C) of Schedule 8. Enter in Column (D) the total reported on Line 5, Column (F) of Schedule 8.

35. **MORTGAGES PAYABLE** - Enter the total amount of your organization's obligations which were secured by mortgages or similar liens on real property (land or buildings) at the start and end of the reporting period in Columns (C) and (D), respectively.

36. **OTHER LIABILITIES** - Enter in Column (C) the total amount as shown on your organization's books at the start of the reporting period of all liabilities not reported in Items 33 through 35. Enter in Column (D) the total reported on Line 9 of Schedule 4.

37. **TOTAL LIABILITIES** - Add Items 33 through 36, Columns (C) and (D), and enter the respective totals in Item 37.

38. **NET ASSETS** - Subtract Item 37, Column (C) from Item 32, Column (A) and enter the difference in Item 38, Column (C). Subtract Item 37, Column (D) from Item 32, Column (B) and enter the difference in Item 38, Column (D).

## STATEMENT B - RECEIPTS AND DISBURSEMENTS

The purpose of Statement B is to report the flow of cash in and out of your organization during the reporting period. Transfers between separate bank accounts or between special funds of your organization, such as vacation or strike funds, do not represent the flow of cash in and out of your organization. Therefore, these transfers should not be reported as receipts and disbursements of your organization. For example, do not report a transfer of cash from your organization's savings account to its checking account. Likewise, the use of funds reported in Item 24 (Cash) to purchase certificates of deposit and the redemption of certificates of deposit should not be reported in Statement B.

Since Statement B reports all cash flowing in and out of your organization, "netting" is not permitted. "Netting" is the offsetting of receipts against disbursements and reporting only the balance (net) as either a receipt or disbursement. For example, if an officer received $1,000 from your organization for convention expenses, used only $800 and returned the remaining $200, the $1,000 disbursement must be reported in Schedule 9 and the $200 receipt must be reported in Schedule 13. It would be incorrect to report only an $800 net disbursement to the officer.

Receipts and disbursements by an agent on behalf of your organization are considered receipts and disbursements of your organization and must be reported in the same detail as other receipts

and disbursements. For example, if your organization owns a building managed by a rental agent, the agent's rental receipts and disbursements for expenses must be reported on your organization's Form LM-2.

[A] **Accrual Filers** - Report in Statement B all revenues earned and expenses incurred by your organization during the reporting period. Cross out the references to "receipts" and "disbursements" in the heading for Statement B, the column headings, and in Items 54, 55, 74, and 75 and enter the terms "revenues" and "expenses" as appropriate.

## CASH RECEIPTS

[A] **Accrual Filers** - Report in Items 39 through 54, as applicable, all revenues earned by your organization.

**39. DUES** - Enter the total dues received by your organization. Include dues received directly by your organization from members, dues received from employers through a checkoff arrangement, and dues transmitted to your organization by a parent body or other affiliate. Report the full dues received, including any portion that will later be transmitted to an intermediate or parent body as per capita tax. Also report in Item 39 payments in lieu of dues received from any nonmember employees as a condition of employment under a union security agreement.

If an intermediate or parent body receives dues checkoff directly from an employer on behalf of your organization, do not report in Item 39 the portion retained by that organization for per capita tax or other purposes, such as a special assessment. Any amounts retained by the intermediate body or parent body other than per capita tax must be explained in Item 76. Also, do not report in Item 39 dues which your organization collected on behalf of other organizations for transmittal to them. For example, if your organization receives dues from a member of an affiliate who is working in your organization's jurisdiction, the dues collected on the affiliate's behalf must be reported in Item 52.

**40. PER CAPITA TAX** - Enter the total per capita tax received by your organization if your organization is an intermediate or parent body; otherwise, enter "00" in Item 40. Include the per capita tax portion of dues received directly by your organization from members of affiliates, per capita tax received from subordinates, either directly or through intermediaries, and the per capita tax portion of dues received through a checkoff arrangement whereby local dues are remitted directly to an intermediate or parent body by employers. Do not include dues collected on behalf of subordinate organizations for transmittal to them. For example, if a parent body receives dues checkoff directly from an employer and returns the local's portion of the dues, the parent body must report the dues received on behalf of the local in Item 52.

**41-44. FEES, FINES, ASSESSMENTS, WORK PERMITS** - Enter your organization's receipts from fees, fines, assessments, and work permits in Items 41 through 44, respectively. Receipts by your organization on behalf of affiliates for transmittal to them must be reported in Item 52.

45. **SALE OF SUPPLIES** - Enter the total amount received by your organization from the sale of supplies.

46. **INTEREST** - Enter the total amount of interest received by your organization from savings accounts, bonds, mortgages, loans, and all other sources.

47. **DIVIDENDS** - Enter the total amount of dividends received by your organization. Do not include "dividends" from credit unions, savings and loan associations, etc., which must be reported as interest in Item 46.

48. **RENTS** - Enter the total amount of rents received by your organization.

49. **SALE OF INVESTMENTS AND FIXED ASSETS** - Enter the total reported on Line 6, Column (E) of Schedule 7.

[A] **Accrual Filers** - Change the name of Item 49 to "Gain or (Loss) on Sale of Investments and Fixed Assets." Report in Item 49 the gain or loss on the sale of investments and fixed assets. Indicate a loss by enclosing the amount in parentheses.

50. **LOANS OBTAINED** - Enter the total reported on Line 5, Column (D) of Schedule 8.

[A] **Accrual Filers** - Cross out and do not complete Item 50 since this amount is not reportable as revenue. However, Schedule 8 must be completed in accordance with the instructions.

51. **REPAYMENTS OF LOANS MADE** - Enter the total reported on Line 5, Column (D)(1) of Schedule 1.

[A] **Accrual Filers** - Cross out and do not complete Item 51 since this amount is not reportable as revenue. However, Schedule 1 must be completed in accordance with the instructions.

52. **ON BEHALF OF AFFILIATES FOR TRANSMITTAL TO THEM** - Enter the total amount of dues, fees, fines, assessments, and work permit fees received by your organization, through a checkoff arrangement or otherwise, on behalf of affiliates for transmittal to them. Do not include the amount withheld by your organization for per capita taxes or other purposes, such as loan repayments which must be reported elsewhere in Statement B. When the receipts reported in Item 52 are transmitted, the disbursement must be reported in related Item 71.

[A] **Accrual Filers** - Cross out and do not complete Item 52 since these receipts are not reportable as revenues of your organization. However, report in Item 76 the total amount received by your organization on behalf of affiliates for transmittal to them.

**53. FROM MEMBERS FOR DISBURSEMENT ON THEIR BEHALF** - Enter the total receipts from members which are specifically designated by them for disbursement on their behalf; for example, contributions from members for transmittal by your organization to charities. When receipts reported in Item 53 are transmitted, the disbursement must be reported in related Item 73.

[A] **Accrual Filers** - Cross out and do not complete Item 53 since these receipts are not reportable as revenues of your organization. However, report in Item 76 the total amount received by your organization from members for disbursement on their behalf.

**54. OTHER RECEIPTS** - Enter the total reported on Line 11 of Schedule 13.

**55. TOTAL RECEIPTS** - Add Items 39 through 54 and enter the total in Item 55.

## CASH DISBURSEMENTS

[A] **Accrual Filers** - Report in Items 56 through 74, as applicable, all expenses incurred by your organization.

**56. TO OFFICERS** - Enter the total reported on Line 13, Column (H) of Schedule 9.

[A] **Accrual Filers** - Enter the total reported on Line 11, Column (H) of Schedule 9.

**57. TO EMPLOYEES** - Enter the total reported on Line 13, Column (H) of Schedule 10.

[A] **Accrual Filers** - Enter the total reported on Line 11, Column (H) of Schedule 10.

**58. PER CAPITA TAX** - Enter your organization's total amount of per capita tax paid as a condition or requirement of affiliation with your parent national or international union, state and local central bodies, a conference, joint or system board, joint council, federation, or other labor organization.

**59. FEES, FINES, ASSESSMENTS, ETC.** - Enter the total amount of fees, fines, assessments, and similar disbursements made by your organization to a parent body or other labor organization.

**60. OFFICE AND ADMINISTRATIVE EXPENSE** - Enter total disbursements for your organization's office and administrative expenses. Include fidelity bond premiums and the ordinary expenses for operating your organization's office, such as heat, light, rent, telephone, and office supplies. As explained in the instructions for Schedules 9 and 10, Column (F), disbursements for hotel rooms or for transportation by public carrier of officers and employees on official business may be reported in Item 60 when payment is made directly to the provider

or through a credit arrangement. Do not include salaries, allowances, or other direct and indirect disbursements to officers and employees which must be reported in Schedules 9 and 10 and in Items 56 and 57.

61. **EDUCATIONAL AND PUBLICITY EXPENSE** - Enter your organization's total disbursements for educational, publicity, and publication expenses. Do not include direct and indirect disbursements to officers and employees which must be reported in Schedules 9 and 10 and in Items 56 and 57.

62. **PROFESSIONAL FEES** - Enter your organization's total disbursements for "outside" legal and other professional services (auditing, economic research, computer consulting, arbitration, etc.). Include any disbursements made for the expenses of individuals or firms providing professional services to your organization. Do not include direct and indirect disbursements to officers and employees which must be reported in Schedules 9 and 10 and in Items 56 and 57.

63. **BENEFITS** - Enter the total reported on Line 11 of Schedule 11.

64. **CONTRIBUTIONS, GIFTS, AND GRANTS** - Enter the total reported on Line 11 of Schedule 12.

65. **SUPPLIES FOR RESALE** - Enter your organization's total disbursements for purchases of supplies for resale.

66. **DIRECT TAXES** - Enter all taxes assessed against and paid by your organization, including your organization's FICA taxes as an employer. Do not include disbursements for the transmittal of taxes withheld from the salaries of officers and employees which must be reported in Item 67. Also, do not include indirect taxes, such as sales and excise taxes.

67. **WITHHOLDING TAXES** - Enter your organization's total disbursements to Federal, state, county, and municipal government agencies for the transmittal of taxes withheld from the salaries of officers and employees.

[A] **Accrual Filers** - Cross out and do not complete Item 67 since your organization's total salary expense incurred is reported in Items 56 and 57.

68. **PURCHASE OF INVESTMENTS AND FIXED ASSETS** - Enter the total reported on Line 6, Column (D) of Schedule 6.

[A] **Accrual Filers** - Cross out and do not complete Item 68 since this amount is not reportable as an expense. However, Schedule 6 must be completed in accordance with the instructions.

69. **LOANS MADE** - Enter the total reported on Line 5, Column (C) of Schedule 1.

[A] **Accrual Filers** - Cross out and do not complete Item 69 since this amount is not reportable as an expense. However, Schedule 1 must be completed in accordance with the instructions.

**70. REPAYMENT OF LOANS OBTAINED** - Enter the total reported on Line 5, Column (E)(1) of Schedule 8.

[A] **Accrual Filers** - Cross out and do not complete Item 70 since this amount is not reportable as an expense. However, Schedule 8 must be completed in accordance with the instructions.

**71. TO AFFILIATES OF FUNDS COLLECTED ON THEIR BEHALF** - Enter the total disbursements of funds collected on behalf of affiliates by your organization. This amount usually is the same as the amount reported in related Item 52. Any such funds not disbursed by the end of the reporting period are liabilities of your organization and must be reported in Schedule 4.

[A] **Accrual Filers** - Cross out and do not complete Item 71 since this amount is not reportable as an expense.

**72. FOR ACCOUNT OF AFFILIATES** - Enter your organization's total disbursements to third parties for the account of affiliates. Include disbursements to pay an affiliate's bills which must be reimbursed to your organization by the affiliate. Any reimbursement received must be reported in Schedule 13. Any disbursements for account of affiliates not reimbursed by the end of the reporting period must be reported in Schedule 3.

[A] **Accrual Filers** - Cross out and do not complete Item 72 since this amount is not reportable as an expense.

**73. ON BEHALF OF INDIVIDUAL MEMBERS** - Enter the total disbursements of funds collected from members by your organization which were specifically designated by them for disbursement on their behalf. This amount usually is the same as the amount reported in related Item 53. Any such funds not disbursed by the end of the reporting period are liabilities of your organization and must be reported in Schedule 4.

[A] **Accrual Filers** - Cross out and do not complete Item 73 since this amount is not reportable as an expense.

**74. OTHER DISBURSEMENTS** - Enter the total reported on Line 11 of Schedule 14.

**75. TOTAL DISBURSEMENTS** - Add Items 56 through 74 and enter the total in Item 75.

NOTE: If your organization uses the cash method of accounting, you may wish to use the following worktable to determine that the figures for receipts, disbursements, and cash are correctly reported on your organization's Form LM-2.

| | |
|---|---|
| A. Cash at Start of Reporting Period - Item 24, Column (A) | $ |
| B. Add: Total Receipts - Item 55 | |
| C. Total of Lines A and B | |
| D. Subtract: Total Disbursements - Item 75 | |
| E. Cash at End of Period | $ |

If Line E does not equal the amount reported in Item 24, Column (B), there is an error in your report which should be corrected.

## STATEMENT C - FUNCTIONAL ALLOCATION

**Column (A) - TOTAL:** Enter on Lines 1 through 8 the total amounts from the referenced items or schedules.

**Line 1:** Enter the gross Officer Payments as reported on Line 11, Column (H) of Schedule 9.

**Line 2:** Enter the gross Employee Payments as reported on Line 11, Column (H) of Schedule 10.

**Line 3:** Enter the amount for Fees, Fines, Assessments, etc., as reported in Item 59 of Statement B.

**Line 4:** Add the amounts for Office and Administrative Expense and Direct Taxes as reported in Items 60 and 66 of Statement B and enter the total.

**Line 5:** Enter the amount for Educational and Publicity Expense as reported in Item 61 of Statement B.

**Line 6:** Enter the amount for Professional Fees as reported in Item 62 of Statement B.

**Line 7:** Enter the amount for Benefits as reported in Item 63 of Statement B.

**Line 8:** Enter the amount for Contributions, Gifts, and Grants as reported in Item 64 of Statement B.

**Line 9:** Add Lines 1 through 8 and enter the total.

**Columns (B) Through (G):** Allocate the amounts reported on Lines 1 through 8, Column (A) among the six functional categories in Columns (B) through (G) of Statement C, as appropriate. Your organization's method of allocation must be consistent from year to year, systematic, and reasonable. An explanatory statement must be attached to Form LM-2 describing your organization's allocation method.

For each functional category, Columns (B) through (G), add Lines 1 through 8 and enter the total on Line 9. The total amounts reported on Line 9, Columns (B) through (G) must equal the total on Line 9, Column (A).

The instructions below provide examples of activities covered by the functional categories, Columns (B) through (G), and are intended to be illustrative and not all inclusive.

[A] **Accrual Filers** - Allocate in Columns (B) through (G), as appropriate, the expenses reported in Column (A).

**Column (B) - CONTRACT NEGOTIATION AND ADMINISTRATION** - Enter disbursements for all activities associated with preparation for, and participation in, the negotiation of collective bargaining agreements and the administration and enforcement of the agreements.

Contract negotiation includes all activities for negotiating and ratifying collective bargaining agreements, such as the training of negotiators, research and economic studies related to contract negotiations, surveys of members' sentiments on bargaining issues, bargaining sessions, informing the membership of the progress of negotiations, explanations to members prior to ratification of the negotiated agreement, and the ratification process.

Contract administration includes all activities for implementing collective bargaining agreements, such as resolution of questions concerning the interpretation and application of an agreement or related matters, workplace safety and health activities related to contract administration, training of union officials and members, research, meetings regarding individual or class grievances under the contractually established procedures, explanations and discussions of contract language, administrative proceedings, arbitration, and litigation.

**Column (C) - ORGANIZING** - Enter disbursements for all activities associated with efforts to recruit new members into your organization or its affiliates, to become the exclusive bargaining representative for any unit of employees, or to keep from losing a unit to another labor organization, including activities related to certification/decertification elections and jurisdictional disputes. Also enter disbursements for related research, meetings, the preparation and distribution of materials, and administrative proceedings and litigation.

**Column (D) - STRIKE ACTIVITIES** - Enter disbursements for all activities associated with strikes (including recognitional strikes), work stoppages, and lock-outs, including payments to or on behalf of members and others, publications, record keeping, eligibility determinations, picket line costs, benefit distribution, and strike-related litigation.

**Column (E) - POLITICAL ACTIVITIES** - Enter contributions in money (other than contributions from separate segregated funds that are reported to the Federal Election Commission) to advance or oppose the candidacy of individuals for public executive, legislative, or judicial office and to support or oppose ballot referenda. Also enter disbursements for related caucuses, strategy meetings, literature, media use, establishing and administering separate segregated funds, soliciting contributions for candidates, telephone banks, communications with members and the general public, voter registration and get-out-the-vote drives, and polling place observers and workers.

**Column (F) - LOBBYING AND PROMOTIONAL ACTIVITIES** - Enter disbursements for all activities associated with lobbying and promotional activities.

Lobbying includes all activities associated with dealing with the executive and legislative branches of government and with independent agencies and staffs to advance the passage or defeat of existing or potential laws, or the issuance, amendment, or repeal of rules or regulations, including the preparation of testimony, the preparation and distribution of related material, entertainment, and letter-writing campaigns.

Promotional activities include all activities associated with communications with the public to promote your organization, labor organizations generally, and their positions except those positions involving elections for public office and referendum issues. Also enter disbursements for related media advertisements, speeches, team sponsorships, and union/industry shows.

**Column (G) - OTHER** - Enter disbursements for all activities associated with functions not included in Columns (B) through (F), such as safety and health activities not related to contract administration, apprenticeship programs, international relations, and all disbursements that cannot be reasonably allocated among the other functional categories.

## ADDITIONAL INFORMATION AND SIGNATURES

76. **ADDITIONAL INFORMATION** - Use Item 76 to provide additional information, as indicated on Form LM-2 and in the instructions. Enter the number of the item to which the information relates in the Item Number column. If there is not enough space in Item 76, report the additional information on a separate letter-size page(s). Be sure to include the following at the top of each page: the name of your organization, its 6-digit file number as reported in Item 1 of Form LM-2, and the ending date of the reporting period as reported on the second line of Item 2.

77-78. **SIGNATURES** - The original and one copy of completed Form LM-2 which are filed with OLMS must be signed by both the president and treasurer or corresponding principal officers of your organization. Original signatures are required; stamped or mechanical signatures are not acceptable. If the duties of the principal executive or principal financial officer are performed by officers other than the president and treasurer, the report may be signed by the other officers. If the report is signed by an officer other than the president or treasurer, cross out the printed title, enter the correct title in Item 77 or 78, and explain in Item 76 why the president or treasurer did not sign the report. Enter the city and state where the report was signed, the date the report was signed, and the telephone number at which the signatories conduct official business; you do not have to report a private, unlisted telephone number.

**XI. LABOR ORGANIZATIONS WHICH HAVE TERMINATED** - If your organization has gone out of existence as a reporting labor organization, the last president and treasurer or the officials responsible for winding up the affairs of your organization must file a terminal financial report for the period from the beginning of the fiscal year to the date of termination. A terminal financial report must be filed if your organization has disbanded, merged into another organization, or consolidated with other organizations to form a new organization. A terminal financial report is not required if your organization changed its affiliation but continues to function as a separate reporting labor organization.

The terminal financial report must be filed on Form LM-2 if your organization filed its previous annual report on Form LM-2 and must be submitted to the U.S. Department of Labor, Office of Labor-Management Standards, 200 Constitution Avenue, NW, Washington, DC 20210, within 30 days after the date of termination.

To complete a terminal report on Form LM-2 follow the instructions in Section X and in addition:

- Print the words "TERMINAL REPORT" at the top of page 1 of Form LM-2.
- Enter the date your organization ceased to exist in Item 2 after the word "THROUGH."
- Print the words "TERMINAL REPORT" as the first entry in Item 76 and provide a detailed statement of the reason why your organization ceased to exist. Also provide the name and address of the person or organization that will retain the records of the terminated organization. If your organization merged with another labor organization, report that organization's name, address, and 6-digit file number.

Contact the nearest OLMS field office listed below if you have questions about filing a terminal report.

★ ★ ★

Assistance may be obtained from the field offices of the U.S. Department of Labor's Office of Labor-Management Standards located in the following cities:

Albany, NY
Atlanta, GA
Boston, MA
Buffalo, NY
Chicago, IL
Cincinnati, OH
Cleveland, OH
Dallas, TX
Denver, CO
Detroit, MI
Grand Rapids, MI
Hato Rey, PR
Honolulu, HI
Houston, TX
Iselin, NJ
Kansas City, MO
Los Angeles, CA
Miami, FL
Milwaukee, WI
Minneapolis, MN
Nashville, TN
New Haven, CT
New Orleans, LA
New York, NY
Philadelphia, PA
Pittsburgh, PA
St. Louis, MO
San Diego, CA
San Francisco, CA
Seattle, WA
Tampa, FL
Vestavia Hills, AL
Washington, DC

Consult local telephone directory listings under United States Government, Labor Department, Office of Labor-Management Standards, for the address and telephone number of the nearest field office.

U.S. Department of Labor
Office of Labor-Management Standards
Washington, DC 20210

Form approved
Office of Management and Budget

# LABOR ORGANIZATION ANNUAL REPORT
# FORM LM-3

**FOR USE BY LABOR ORGANIZATIONS WITH LESS THAN $200,000 IN TOTAL ANNUAL RECEIPTS**

This report is mandatory under P.L. 86-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 439 or 440.

**READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT. SUBMIT THIS REPORT IN DUPLICATE.**

**IMPORTANT**

If label is here, → peel off top part and place in same box on second copy of form.

If label information is correct, leave items 5 through 9 blank.

If label information is incorrect, complete items 5 through 9.

1. FILE NUMBER

2. PERIOD COVERED — MO / DAY / YR
FROM
THROUGH

3. WHERE LOCATED OR CHARTERED TO OPERATE:
CITY _____ COUNTY _____ STATE _____

4. ACCOUNTING METHOD: ☐ CASH ☐ ACCRUAL

5. AFFILIATION OR ORGANIZATION NAME

6. DESIGNATION (Local, Lodge, etc.)

7. DESIGNATION NUMBER

8. UNIT NAME (if any)

9. MAILING ADDRESS:
(In care of) NAME AND TITLE OF PERSON
NUMBER AND STREET
BUILDING AND ROOM NUMBER (if any)
CITY STATE ZIP CODE

10. Are your organization's records kept at the address in item 9? Yes ☐ No ☐
If "No," provide address including ZIP Code in Item 60.

DURING THE REPORTING PERIOD DID YOUR ORGANIZATION DIRECTLY OR INDIRECTLY:

| | Yes | No |
|---|---|---|
| 11. Have loans totaling more than $250 to any officer, employee, or member; or make any loans to a business enterprise? | ☐ | ☐ |
| 12. Pay any employee salary, allowances, and other expenses which, together with any payments from affiliates, totaled more than $10,000? | ☐ | ☐ |
| 13. Create or participate in the administration of any business enterprise or other organization which met the definition of a "subsidiary organization" as that term is defined in the instructions? | ☐ | ☐ |
| 14. Acquire any goods or property in any manner other than by purchase or dispose of any goods or property in any manner other than by sale? | ☐ | ☐ |
| 15. Create or participate in the administration of a trust or other fund or organization, a primary purpose of which is to provide benefits for members or their beneficiaries, as defined in the instructions? | ☐ | ☐ |
| 16. Discover any loss or shortage of funds or other property whether or not there has been repayment or recovery? | ☐ | ☐ |

*(If the answer to any of the above questions is "Yes," provide details in Item 60. See specific instructions for items answered "Yes.")*

| | Yes | No |
|---|---|---|
| 17. Was your organization insured by a fidelity bond during the reporting period? | ☐ | ☐ |

18. If "Yes," what is the maximum amount recoverable under the bond for loss caused by any person? $ _____

19. What is the date of your organization's next regular election of officers?
Month _____ Year _____

AT THE END OF THE REPORTING PERIOD:

| | Yes | No |
|---|---|---|
| 20. Were any of your organization's assets pledged as security or encumbered in any other way? | ☐ | ☐ |
| 21. Did your organization have any contingent liabilities? | ☐ | ☐ |

*(If the answer to Item 20 or 21 is "Yes," provide details in Item 60.)*

22. Did your organization have any changes during the reporting period in its constitution and bylaws (other than changed dues amounts) or in practices described in statements submitted with Form LM-1 or Form LM-1A ? ☐ Yes ☐ No

*(If "Yes," attach a completed Form LM-1A to this report with required documents.)*

23. FEES AND DUES *(Complete each line. Enter "None" or "Not Applicable" as appropriate.)*

| | (A) If one rate applies, enter below: | (B) If more than one rate applies, enter below: Minimum | Maximum |
|---|---|---|---|
| (a) Initiation fees required from new members | $ | $ | $ |
| (b) Fees other than dues required from transfer members | $ | $ | $ |
| (c) Are work permits issued by your organization? ☐ Yes ☐ No If "Yes," enter fees required (per year, month, etc.) | $ per | $ per | $ per |
| (d) Regular dues or fees or other periodic payments required to remain a member of your organization (per year, month, etc.) | $ per | $ per | $ per |

Each of the undersigned, duly authorized officers of the above labor organization, declares, under the applicable penalties of law,* that all of the information submitted in this report (including the information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete.

61. SIGNED: _____ PRESIDENT *(If other title, cross out and write in correct title above. Explain in Item 60.)*
at: _____ on: _____
City State Date
( ) _____
Telephone Number

62. SIGNED: _____ TREASURER *(If other title, cross out and write in correct title above. Explain in Item 60.)*
at: _____ on: _____
City State Date
( ) _____
Telephone Number

*See Section VI on penalties in the instructions.

**ENTER AMOUNTS IN DOLLARS ONLY**

*COMPLETE SCHEDULES 1 AND 2 BEFORE COMPLETING STATEMENTS A THROUGH C*

**STATEMENT A—ASSETS AND LIABILITIES**

| ASSETS Item | Start of Reporting Period (A) | End of Reporting Period (B) | LIABILITIES Item | Start of Reporting Period (C) | End of Reporting Period (D) |
|---|---|---|---|---|---|
| 24. Cash | $ | $ | 33. Accounts Payable | $ | $ |
| 25. Accounts Receivable | | | 34. Loans Payable | | |
| 26. Loans Receivable | | | 35. Mortgages Payable | | |
| 27. U.S. Treasury Securities | | | 36. Other Liabilities | | |
| 28. Mortgage Investments | | | 37. TOTAL LIABILITIES | $ | $ |
| 29. Other Investments | | | | | |
| 30. Fixed Assets | | | | | |
| 31. Other Assets | | | 38. NET ASSETS *(Item 32 less Item 37)* | $ | $ |
| 32. TOTAL ASSETS | $ | $ | | | |

**STATEMENT B—RECEIPTS AND DISBURSEMENTS**

| CASH RECEIPTS Item | AMOUNT | CASH DISBURSEMENTS Item | AMOUNT |
|---|---|---|---|
| 39. Dues | $ | 47. To Officers: | |
| 40. Per Capita Tax | | (a) Gross $ | |
| 41. Fees, Fines, Assessments, & Work Permits | | (b) Less Deductions | $ |
| 42. Interest & Dividends | | 48. To Employees: | |
| 43. Rents | | (a) Gross $ | |
| 44. Sale of Investments & Fixed Assets | | (b) Less Deductions | |
| 45. Other Receipts | | 49. Per Capita Tax | |
| | | 50. Fees, Fines, Assessments, etc. | |
| 46. TOTAL RECEIPTS | $ | 51. Office & Administrative Expense and Direct Taxes | |
| | | 52. Educational & Publicity Expense | |
| | | 53. Professional Fees | |
| | | 54. Benefits | |
| | | 55. Contributions, Gifts, & Grants | |
| | | 56. Purchase of Investments & Fixed Assets | |
| | | 57. Loans Made | |
| | | 58. Other Disbursements | |
| | | 59. TOTAL DISBURSEMENTS | $ |

**STATEMENT C—FUNCTIONAL ALLOCATION***

| Line | FROM ITEM # | TOTAL (A) | Contract Negotiation & Administration (B) | Organizing (C) | Strike Activities (D) | Political Activities (E) | Lobbying & Promotional Activities (F) | Other (G) |
|---|---|---|---|---|---|---|---|---|
| 1. Officer Payments | 47(a) | $ | $ | $ | $ | $ | $ | $ |
| 2. Employee Payments | 48(a) | | | | | | | |
| 3. Fees, Fines, Assessments, etc. | 50 | | | | | | | |
| 4. Office & Administrative Expense and Direct Taxes | 51 | | | | | | | |
| 5. Educational & Publicity Expense | 52 | | | | | | | |
| 6. Professional Fees | 53 | | | | | | | |
| 7. Benefits | 54 | | | | | | | |
| 8. Contributions, Gifts, & Grants | 55 | | | | | | | |
| 9. TOTAL | | $ | $ | $ | $ | $ | $ | $ |

*THE METHOD USED TO ALLOCATE DISBURSEMENTS TO FUNCTIONAL CATEGORIES SHOULD BE CONSISTENT FROM YEAR TO YEAR, SYSTEMATIC, AND REASONABLE. FILERS MUST ATTACH AN EXPLANATORY STATEMENT DESCRIBING THE ALLOCATION METHOD USED.

# LM-3

ENTER AMOUNTS IN DOLLARS ONLY

FILE NUMBER

## SCHEDULE 1 – OTHER LIABILITIES

| Description (A) | Amount at End of Period (B) |
|---|---|
| 1. | $ |
| 2. | |
| 3. | |
| 4. | |
| 5. Total from additional pages (if any) | |
| 6. Total of Lines 1 through 5 | $ |

Enter the Total from Line 6 in ..... Item 36, Column (D)

## SCHEDULE 2 – ALL OFFICERS AND DISBURSEMENTS TO OFFICERS

| Name *(Important: List all persons who held office during the reporting period even if they received no salary or other disbursements.)* (A) | Title (B) | Status (C)* | Gross Salary (before taxes and other deductions) (D) | Allowances and Other Disbursements (E) | Total (F) |
|---|---|---|---|---|---|
| 1. | | | $ | $ | $ |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |
| 7. | | | | | |
| 8. | | | | | |
| 9. | | | | | |
| 10. Totals from additional pages (if any) | | | | | |
| 11. Totals of Lines 1 through 10 | | | $ | $ | $ |

Enter the Total from Line 11, Column (F) in ..... Item 47(a)

* Code for Column (C): past officer – P, continuing officer – C, new officer during the reporting period – N.

*(If any officer was not elected at a regular election in accordance with your organization's constitution and bylaws, explain in Item 60.)*

60. ADDITIONAL INFORMATION (If this is a terminal report, see Section XI of the instructions.)

| Item Number | |
|---|---|
| | *(If more space is needed, attach additional pages properly identified.)* |

# INSTRUCTIONS FOR LABOR ORGANIZATION ANNUAL REPORT, FORM LM-3

## GENERAL INSTRUCTIONS

**I. WHO MUST FILE** - Every labor organization subject to the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), the Civil Service Reform Act (CSRA), or the Foreign Service Act (FSA) must file a financial report, Form LM-2, LM-3, or LM-4 each year with the Office of Labor-Management Standards (OLMS) of the U.S. Department of Labor. These laws cover labor organizations that represent employees who work in private industry, employees of the U.S. Postal Service, and most Federal government employees. Labor organizations that represent only state, county, or municipal government employees are not required to file. If you have a question about whether your organization is required to file, contact the nearest OLMS field office listed on the last page of these instructions.

**II. WHAT FORM TO FILE** - Labor organizations with total annual receipts of less than $200,000 may file the simplified annual report Form LM-3, if not in trusteeship as defined in Section VIII of these instructions. The term "total annual receipts" means all financial receipts of the labor organization during its fiscal year, regardless of the source and with no exclusions or deductions of any kind; it also includes receipts of any special funds and any "subsidiaries" of the labor organization as defined in Section IX of these instructions.

Labor organizations with total annual receipts of $200,000 or more and those in trusteeship must file the more detailed Form LM-2. Labor organizations with less than $10,000 in total annual receipts may file the abbreviated Form-4, if not in trusteeship.

**III. WHEN TO FILE** - Form LM-3 must be filed within 90 days after the end of your organization's fiscal year (12-month reporting period). The law does not authorize the U.S. Department of Labor to grant an extension of time for filing reports for any reason.

If your organization went out of existence during its fiscal year, a terminal financial report must be filed within 30 days after the date it ceased to exist. See Section XI of these instructions for information on filing a terminal financial report.

**IV. WHERE TO FILE** - The original and one duplicate copy of Form LM-3 and any required attachments must be filed with the U.S. Department of Labor at the following address:

U.S. Department of Labor
Office of Labor-Management Standards
200 Constitution Avenue, NW
Washington, DC 20210

If available, use the pre-addressed envelope enclosed with this report package to file Form LM-3.

NOTE: Certain labor organizations are required to file Form 990, Return of Organization Exempt from Income Tax, with the Internal Revenue Service (IRS). The IRS will accept a copy of your organization's Form LM-3 to provide some of the information required by Form 990. See the instructions for the current

Form 990 for details. Filing Form LM-3 with the IRS does not satisfy your organization's reporting requirement with the U.S. Department of Labor.

**V. PUBLIC DISCLOSURE** - The LMRDA requires that the U.S. Department of Labor make labor organization financial reports available for inspection by the public. Reports may be examined and copies purchased at the OLMS Public Disclosure Room at the above address or at the OLMS field office in whose jurisdiction the reporting organization is located. See the last page of these instructions for a list of OLMS field offices.

**VI. RESPONSIBILITIES OF OFFICERS AND PENALTIES** - The president and treasurer or the corresponding principal officers of the labor organization required to sign Form LM-3 are personally responsible for its filing and accuracy. Under the LMRDA, officers are subject to criminal penalties for willful failure to file a required report and for false reporting. False reporting includes making any false statement or misrepresentation of a material fact while knowing it to be false, or for knowingly failing to disclose a material fact in a required report or in the information required to be contained in it or in any information required to be submitted with it. Under the CSRA and FSA and implementing regulations, false reporting and failure to report may result in administrative enforcement action and litigation. The officers responsible for signing Form LM-3 are also subject to criminal penalties for false reporting under section 1001 of Title 18 of the United States Code.

**VII. RECORD KEEPING** - The officers required to file Form LM-3 are responsible for maintaining records which will provide in sufficient detail the information and data necessary to verify the accuracy and completeness of the report. Under the LMRDA, the records must be kept for at least 5 years after the date the report is filed. Any record necessary to verify, explain, or clarify the report must be retained, including, but not limited to, vouchers, worksheets, receipts, and applicable resolutions.

## SPECIAL INSTRUCTIONS FOR CERTAIN ORGANIZATIONS

**VIII. LABOR ORGANIZATIONS UNDER TRUSTEESHIP** - Any labor organization which has placed a subordinate labor organization in trusteeship is responsible for filing the subordinate's annual financial report. A trusteeship is defined in section 3(h) of the LMRDA as "any receivership, trusteeship, or other method of supervision or control whereby a labor organization suspends the autonomy otherwise available to a subordinate body under its constitution or bylaws."

Annual financial reports for any labor organization in trusteeship must be filed on Form LM-2 rather than Form LM-3. The report must be signed by the president and treasurer or corresponding principal officers of the labor organization which assumed the trusteeship and by the trustees of the subordinate labor organization. An Information and Signature Sheet, Form LM-6 must be filed with the annual financial reports of trusteed organizations and can be obtained from the nearest OLMS field office listed on the last page of these instructions.

**IX. LABOR ORGANIZATIONS WHICH HAVE SUBSIDIARY ORGANIZATIONS** - A subsidiary organization, within the meaning of these instructions, is any separate organization of which the ownership is wholly vested in the reporting labor organization or its officers or its membership, which is governed or controlled by the officers, employees, or members of the reporting labor organization, and which is wholly financed by the reporting labor organization. An example of a subsidiary organization is a building corporation which holds title to a meeting hall used by the labor organization; the labor organization owns the building corporation, selects the officers, and finances the operation of the building corporation.

IF YOUR ORGANIZATION HAS NO SUBSIDIARY ORGANIZATION AS DEFINED ABOVE, SKIP TO SECTION X OF THESE INSTRUCTIONS.

If a labor organization has a subsidiary organization, it is required to report financial information for the subsidiary organization by one of the following methods:

Method (1) - Consolidate the financial information for the subsidiary organization and the labor organization on a single Form LM-3. Method (1), however, cannot be used if the organizations use different accounting methods.

Method (2) - Complete a separate Form LM-3 for each subsidiary organization and file it with the labor organization's Form LM-3. The LM-3 report for the subsidiary organization must be clearly marked "SUBSIDIARY REPORT" at the top of the first page.

Method (3) - File, with the labor organization's Form LM-3, the regular annual reports of the financial condition and operations of each subsidiary organization, accompanied by a statement signed by an independent public accountant certifying that the financial reports present fairly the financial condition and operations of each subsidiary organization and were prepared in accordance with generally accepted accounting principles.

Financial information reported separately for subsidiary organizations, as required under methods (2) and (3) above, must be submitted in duplicate and must include the name of the subsidiary organization and the name and file number of the labor organization as shown on its Form LM-3. The financial report of the subsidiary organization must cover the same reporting period as that used by the reporting labor organization.

When method (2) or (3) is used and the subsidiary organization is an investment, the financial interest of the reporting labor organization in the subsidiary organization must be reported in Item 29 (Other Investments) of the labor organization's Form LM-3. When method (2) or (3) is used and the subsidiary organization is of a non-investment nature, the financial interest of the reporting labor organization in the subsidiary organization must be reported in Item 31 (Other Assets) of the labor organization's Form LM-3.

The same type of information required on Form LM-3 regarding disbursements to officers and employees and loans made by labor organizations must also be reported with respect to each subsidiary organization. In method (1) the information relating to the subsidiary organization must be combined with that of the labor organization and reported on the labor organization's Form LM-3 in Schedule 2 and in Item 60 in the detail required by the instructions for Items 11

and 12. In method (2) this information must be reported on the separate Form LM-3 of the subsidiary organization in Schedule 2 and in Item 60 in the detail required by the instructions for Items 11 and 12. If method (3) is used, an attachment must be submitted containing the information required by the instructions for Schedule 2 and Items 11 and 12.

The information regarding loans made by the subsidiary organization must include a listing of the names of each officer, employee, or member of the labor organization and each officer or employee of the subsidiary organization whose total loan indebtedness to the subsidiary organization, to the labor organization, or to both at any time during the reporting period exceeded $250. However, if method (2) or (3) is used, the amount reported by the subsidiary organization should be only the amount owed to the subsidiary organization.

The annual financial report must also include all disbursements made by the subsidiary organization to or on behalf of its officers and officers of the labor organization. The report must also list the name and position of the subsidiary organization's employees whose total gross salaries, allowances, and other disbursements from the subsidiary organization, the reporting labor organization, and any affiliates were more than $10,000. However, if method (2) or (3) is used, only the disbursements of the subsidiary organization for its employees should be reported.

## X. COMPLETING FORM LM-3

### NUMBER OF COPIES

Three blank copies of Form LM-3 are included in this report package. The original and one duplicate copy must be filed with OLMS. A third copy should be maintained in your organization's records.

### LEGIBILITY

Entries on Form LM-3 should be typed or clearly printed in ink. Do not use a pencil.

### ADDRESS LABEL

If this report package was mailed to you with an address label, peel off the top label and place it in the corresponding box on the second copy of the form, so that address labels are affixed to the two copies being mailed to OLMS. Use the pre-printed labels even if the information on them is incorrect.

### FILE NUMBER

OLMS assigns each reporting labor organization a 6-digit file number. If this Form LM-3 was mailed to you with an address label, your organization's file number is the 6-digit number on the first line of the label. If you do not have a label and you cannot obtain the file number from prior reports filed by your organization, contact the nearest OLMS field office listed on the last page of these instructions to obtain your organization's file number. Your organization's 6-digit file number must be entered in Item 1 and in the File Number box at the top of page 3 of Form LM-3.

### ADDITIONAL PAGES

Some of the items on Form LM-3 require that further details be provided in Item 60 (Additional Information) on page 3. If there is not enough space in Item 60, enter the additional information on a separate letter-size page(s), giving the number of the item to which the information applies. Print clearly at the top of each attached page the name of your organization, its 6-digit file number as reported in Item 1 of Form LM-3, and the ending date of the reporting period as reported on the second line of Item 2. This identifying information should also be printed on each page of the required explanation of your organization's functional allocation method as discussed in the instructions for completing Statement C and on any additional pages used for Schedules 1 and 2. All attachments must be labeled sequentially 1 of __, 2 of __, etc.

**AFFILIATES**

"Affiliates," within the meaning of these instructions, are labor organizations chartered by the same parent body, governed by the same constitution and bylaws, or having the relationship of parent and subordinate. For example, a parent body is an affiliate of all its subordinate bodies, and all subordinate bodies of the same parent body are affiliates of each other.

## INFORMATION ITEMS 1 - 23

Answer all Items 1 through 23 as instructed. Enter "None" or "Not Applicable" as appropriate. Check the appropriate box for those questions requiring a "Yes" or "No" answer; do not leave both boxes blank. If you do not have an address label or the information on the label is incorrect, complete Items 5 through 9 in their entirety. If the label information is correct, leave Items 5 through 9 blank.

1. **FILE NUMBER** - Enter the 6-digit file number which OLMS assigned to your organization. Your organization's 6-digit file number must also be entered in the File Number box at the top of page 3 of Form LM-3.

2. **PERIOD COVERED** - Enter the beginning and ending dates of the period covered by this report. For example, if your organization's 12-month fiscal year begins on January 1 and ends on December 31, enter these dates as "1/1/9__" and "12/31/9__." Your organization's report should never cover more than a 12-month period. It would be incorrect to enter January 1 of one year through January 1 of the next year.

If your organization changes its fiscal year, enter in Item 2 the ending date for the period of less than 12 months, which is your organization's new fiscal year ending date, and report in Item 60 that your organization changed its fiscal year. For example, if your organization's fiscal year ending date changes from June 30 to December 31, a report must be filed for the partial year from July 1 to December 31. Thereafter, your organization's report should cover a full 12-month period from January 1 to December 31.

3. **WHERE LOCATED OR CHARTERED TO OPERATE** - Enter the city, county, and state where your organization is located or chartered to operate. If no single city is named in your charter or is authorized by your national or international labor organization, enter the city, county, and state in which your organization's main office, other than a private residence, is

located. If your organization has no office, enter the city, county, and state where most of the members work. The city, county, and state reported should generally remain the same from year to year and should not be changed on your organization's report because of a change in officers or the mailing address reported in Item 9.

4. **ACCOUNTING METHOD** - Indicate the method of accounting (cash basis or accrual basis) used in preparing this report. Under the cash method of accounting, receipts are recorded when money is actually received and disbursements are recorded when money is actually paid out by your organization. Under the accrual method, revenues are recorded when earned and expenses are recorded when incurred, although such revenues and expenses may not have been actually received or paid in cash. Form LM-3 must be prepared using the same accounting method that your organization regularly uses to maintain its books and records.

> NOTE: Form LM-3 is designed to be completed on the cash basis of accounting. Supplemental guidelines to assist accrual filers in preparing Form LM-3 are provided throughout these instructions. The special accrual guidelines are preceded by the symbol [A]. Cash filers should ignore the guidelines for accrual filers.

5. **AFFILIATION OR ORGANIZATION NAME** - Enter the name of the national or international labor organization which granted your organization a charter. If your organization has no such affiliation, enter the name of your organization as currently identified in your organization's constitution and bylaws or other organizational documents.

6. **DESIGNATION** - Enter the designation that specifically identifies your organization, such as Local, Lodge, Branch, Joint Board, Joint Council, District Council, etc.

7. **DESIGNATION NUMBER** - Enter the number or other descriptive term, if any, by which your organization is known.

8. **UNIT NAME** - Enter any additional name by which your organization is known, such as "Chicago Area Local."

9. **MAILING ADDRESS** - Enter the current address where mail will most surely and quickly reach your organization. Be sure to indicate the name and title of the person, if any, to whom such mail should be sent and include any building and room number.

10. **PLACE WHERE RECORDS ARE KEPT** - If the records required to be kept by your organization to verify this report are kept at the address reported in Item 9 (or the address on the address label), check "Yes." If not, check "No" and provide in Item 60 the address, including the ZIP Code, where your organization's records are kept.

11. **LOANS** - Check Item 11 "Yes" if any officer, employee, or member owed your organization, together with any subsidiary organization, more than $250 at any time during the reporting period; or if your organization made a loan, regardless of amount, to any business enterprise, directly or indirectly (whether or not evidenced by a promissory note or secured by

a mortgage), during the reporting period. An example of an indirect loan is a disbursement by your organization to an educational institution for the tuition expense of an officer, employee, or member which must be repaid to your organization by that individual.

If Item 11 is checked "Yes," report in Item 60 the name of each individual and business enterprise, the amount each individual owed at the end of the reporting period, and the amount loaned to each business enterprise during the reporting period. Also report in Item 60 the purpose, terms for repayment, and any security for each such loan.

**12. EMPLOYEES** - Check Item 12 "Yes" if any employee of your organization received more than $10,000 in gross salaries, allowances, and other direct and indirect disbursements during the reporting period (direct and indirect disbursements are defined in the instructions for Schedule 2). In computing the total, add together all disbursements made to each employee by your organization (including any subsidiary organization) and any affiliates. ("Affiliates" means labor organizations chartered by the same parent body, governed by the same constitution and bylaws, or having the relationship of parent and subordinate.)

If Item 12 is checked "Yes," report in Item 60 the name and position of each employee and the names of the other labor organizations which made disbursements to or on behalf of the employee. Also report in Item 60 the total disbursements made to each employee or on the employee's behalf by your organization, including all salary and allowances (before any deductions) and other disbursements (including reimbursed expenses).

**13. SUBSIDIARY ORGANIZATIONS** - If Item 13 is checked "Yes," describe in Item 60 the nature and purpose of each subsidiary organization and the relationship between the subsidiary organization and your organization. Indicate whether the information concerning its financial condition and operations is included in this Form LM-3 or in a separate report. See Section IX of these instructions for information on reporting subsidiary organizations.

**14. ACQUISITION OR DISPOSITION OF PROPERTY** - If Item 14 is checked "Yes," describe in Item 60 the manner in which your organization acquired or disposed of property, such as gifts of office furniture or equipment to charitable organizations. Include the type of property, its value, and the identity of the recipient or donor, if any. Also report in Item 60 the cost or other basis at which any acquired assets were entered on your organization's books or at which any assets disposed of were carried on your organization's books. If any fixed assets were disposed of during the reporting period by "trade-in," provide in Item 60 a general description of the traded-in asset, its cost, and trade-in value.

**15. TRUSTS OR FUNDS** - Item 15 refers to any trust in which a labor organization is interested which is defined in section 3(l) of the LMRDA as "a trust or other fund or organization (1) which was created or established by a labor organization, or one or more of the trustees or one or more members of the governing body of which is selected or appointed by a labor organization, and (2) a primary purpose of which is to provide benefits for the members of such labor organization or their beneficiaries."

If Item 15 is checked "Yes," provide in Item 60 the name, address, and purpose of each trust. If a report has been filed for the trust or other fund under the Employee Retirement Income

Security Act of 1974 (ERISA), report in Item 60 the ERISA file number (Employer Identification Number - EIN) and plan number, if any.

16. **LOSSES OR SHORTAGES** - If Item 16 is checked "Yes," describe the loss or shortage in detail in Item 60, including such information as the amount of the loss or shortage of funds or a description of the property that was lost, how it was lost, and to what extent, if any, there has been an agreement to make restitution or any recovery by means of repayment, fidelity bond, insurance, or other means.

17. **FIDELITY BOND** - Check Item 17 "Yes" if your organization was insured by a fidelity bond against losses through fraud or dishonesty during the reporting period.

> NOTE: If your organization had property and annual financial receipts which totaled $5,000 or more, each of your organization's officers, employees, and agents who handle funds or other property of your organization must be bonded. The amount of the bond must be at least 10% of the value of the funds handled by the individual during the last reporting period, up to a maximum bond of $500,000. The bond must be obtained from a surety company approved by the Secretary of the Treasury. If you have any questions or need more information about bonding requirements, contact the nearest OLMS field office listed on the last page of these instructions.

18. **BOND AMOUNT** - If Item 17 is checked "Yes," enter the maximum amount recoverable for a loss caused by any person handling your organization's funds.

19. **NEXT REGULAR ELECTION** - Enter the month and year of your organization's next regular election of general officers (president, vice president, treasurer, secretary, etc.). Do not include the date of any interim election to fill vacancies.

20. **PLEDGED OR ENCUMBERED ASSETS** - If Item 20 is checked "Yes," identify in Item 60 any of your organization's assets pledged or encumbered in any way (such as those pledged as collateral for a loan) at the end of the reporting period. Also report in Item 60 their fair market value, and provide details of transactions related to the encumbrance.

21. **CONTINGENT LIABILITIES** - If Item 21 is checked "Yes," describe in Item 60 transactions or events resulting in the contingent liabilities and include the identity of the claimant or creditor. Examples of a contingent liability are a loan co-signed by your organization and a pending lawsuit which could result in your organization being ordered to pay damages or make other payments.

22. **CONSTITUTION AND BYLAWS CHANGES** - If Item 22 is checked "Yes," complete Form LM-1A (Report of Current Status: Labor Organization Information Supplement), and attach it to Form LM-3, together with any documents required by Form LM-1A.

Your organization must file Form LM-1A to update information on file with OLMS if there have been any changes during the reporting period in your organization's constitution and bylaws (other than changes of specific amounts of dues and fees required of members) or in any

practices described in statements previously submitted with Form LM-1 (Labor Organization Information Report) or Form LM-1A.

**23. FEES AND DUES** - Enter the fees and dues established by your organization. Use section (A) if only one rate applies; use section (B) to enter the minimum and maximum rates of fees and dues if more than one rate applies.

**Line (a):** Enter the initiation fees required from new members.

**Line (b):** Enter the fees other than dues required from transfer members. Such fees are those charged to persons applying for a transfer of membership to your organization from another labor organization with the same affiliation. Do not report fees charged to members transferring from one class of membership to another within your organization.

**Line (c):** If your organization issues work permits, check "Yes" and enter the fees required per year, month, etc. Work permit fees are fees charged to nonmembers of your organization who work within its jurisdiction. Do not report as work permit fees those fees charged to nonmember applicants for membership pending acceptance of their membership application, or fees charged to persons applying for transfer of membership to your organization pending acceptance of their application for transfer.

**Line (d):** Enter the regular dues or fees or other periodic payments which a member must pay to be in good standing in your organization and enter the calendar basis for payment (per year, month, etc.). Include only the dues or fees of regular members and not the dues or fees of members with special rates, such as apprentices, retirees, or unemployed members.

## FINANCIAL DETAILS

### ACCOUNTING METHOD

As explained in the instructions for Item 4, Form LM-3 must be prepared using the same method of accounting (cash basis or accrual basis) that your organization regularly uses to maintain its books and records. Under the cash method of accounting, receipts are recorded when money is actually received and disbursements are recorded when money is actually paid out by your organization. Under the accrual method, revenues are recorded when earned and expenses are recorded when incurred. Form LM-3 is designed to be completed on the cash basis of accounting. Supplemental guidelines to assist accrual filers in preparing Form LM-3 are provided throughout these instructions. The special accrual guidelines are preceded by the symbol [A]. Cash filers should ignore the guidelines for accrual filers.

### REPORT ONLY DOLLAR AMOUNTS

Report all amounts in dollars only. Round cents to the nearest dollar.

### REPORTING CLASSIFICATIONS ON THE FORM

Complete all items and lines on the form as given. Do not use different accounting classifications or change the wording of any item or line.

[A] **Accrual Filers** - The prescribed Form LM-3 classifications must be used except as noted in the special accrual guidelines. Cross out the printed item or line name and enter the appropriate name only as instructed.

**BEGINNING AND ENDING AMOUNTS**

Entries in Statement A must report amounts for both the start and the end of the reporting period. The amounts entered for the start of the reporting period on your organization's report should be identical to the amounts entered for the end of the reporting period on last year's report. If the amounts are not the same, fully explain the difference in Item 60.

**CONSOLIDATED REPORTS**

If your organization has a "special fund" or is filing a report consolidating the finances of your organization and any subsidiary organization in accordance with method (1) of the instructions in Section IX, be sure to include the required information and amounts for the "special funds" and any subsidiary organization as well as for your organization in all items and schedules.

**COMPLETE SCHEDULES FIRST**

Complete Schedules 1 and 2 and transfer the totals as indicated before completing Statements A through C. Be sure to complete all applicable lines in Schedules 1 and 2.

**COMPLETE ALL ITEMS 24 THROUGH 59**

Complete all items in Statement A and Statement B. Enter "00" where appropriate.

## SCHEDULES 1 AND 2

If there is not enough space to report all the required information and amounts in Schedule 1 or 2, duplicate the blank schedule or use separate letter-size pages (8½" x 11") to report the additional information and attach them to Form LM-3. Be sure to use the same format as the schedule (that is, the same line and column headings) for any attached pages. Also be sure that each attached page identifies the schedule to which it applies and that the name, file number, and ending date of the reporting period of your organization are clearly printed at the top of each attached page. All attached pages should be labeled sequentially 1 of __, 2 of __, etc. Totals from any additional pages must be entered on the line provided in each schedule.

**SCHEDULE 1 - OTHER LIABILITIES** - Report details of all your organization's liabilities at the end of the reporting period other than Accounts Payable (Item 33), Loans Payable (Item 34), and Mortgages Payable (Item 35).

These liabilities must be described in Column (A) and may be classified by general groupings or bookkeeping categories if the description is sufficient to identify the type of liability. List separately any payroll taxes withheld but not yet paid, other unpaid payroll taxes of your organization, such as FICA taxes, and any funds collected on behalf of affiliates or members and not disbursed by the end of the reporting period. Do not include reserves for special purposes

(for example, "Reserve for Building Fund") which are actually an allocation of certain assets for specific purposes rather than a liability.

Enter in Column (B) the amount of each liability described in Column (A). Enter on Line 5 the total from any additional pages. Add Lines 1 through 5 and enter the total on Line 6 and in Item 36, Column (D) of Statement A.

[A] **Accrual Filers** - Report in Schedule 1, in the detail required by the instructions for Schedule 1, all liabilities for expenses incurred but not paid by the end of the reporting period which are not reportable as Accounts Payable (Item 33), Loans Payable (Item 34), and Mortgages Payable (Item 35).

**SCHEDULE 2 - ALL OFFICERS AND DISBURSEMENTS TO OFFICERS** - List all your organization's officers and report all salaries and other direct and indirect disbursements to officers during the reporting period. However, direct and indirect disbursements not involving the payment of some form of cash (cash, checks, money orders, etc.) should not be reported in Schedule 2 but must be explained in Item 60. Any direct or indirect cash disbursement required to be included in Schedule 2 should not be reported in other disbursement items.

NOTE: A "direct disbursement" to an officer is a payment made by your organization to the officer in the form of cash, property, goods, services, or other things of value.

An "indirect disbursement" to an officer is a payment made by your organization to another party for cash, property, goods, services, or other things of value received by or on behalf of the officer. "On behalf of the officer" means received by a party other than the officer or your organization for the personal interest or benefit of the officer. Such payments include those made through a credit arrangement under which charges are made to the account of your organization and are paid by your organization.

**Columns (A) and (B):** Enter the name and title of every person who held office in your organization at any time during the reporting period. Include all your organization's officers whether or not any salary or other disbursements were made to them or on their behalf by your organization. "Officer" is defined in section 3(n) of the LMRDA as "any constitutional officer, any person authorized to perform the functions of president, vice president, secretary, treasurer, or other executive functions of a labor organization, and any member of its executive board or similar governing body."

**Column (C):** Enter the appropriate letter to show the status of each officer: "N" for a new officer who took office since your organization's last annual financial report was filed; "P" for a past officer who was not in office at the end of this reporting period; or "C" for a continuing officer who was in office before this reporting period and was still in office at the end of the reporting period. If any officer was not elected in a regular election in accordance with your organization's constitution and bylaws or other governing documents on file with OLMS, explain the manner in which the officer was chosen in Item 60.

**Column (D):** Enter the gross salary of each officer (before tax withholdings and other payroll deductions). Include disbursements for "lost time" or time devoted to union activities.

**Column (E):** Enter the total of all other direct and indirect disbursements to each officer other than salary, including allowances, disbursements which were necessary for conducting official business of your organization, and disbursements essentially for the personal benefit of the officer and not necessary for conducting official business of your organization.

Examples of disbursements to be reported in Column (E) include: allowances made by direct and indirect disbursements to each officer on a daily, weekly, monthly, or annual basis; allowances paid on the basis of mileage or meals; all expenses that were reimbursed directly to an officer; expenses for officers' meals and entertainment; and various goods and services furnished to officers but charged to your organization. Column (E) must also include:

- the total maintenance and operating costs of any automobile owned or leased by your organization and assigned to an officer regardless of whether the use was for official business or for the personal benefit of the officer. If more than 50% of the use of the automobile was for the personal benefit of the officer, the amount of decrease in the market value attributable to the officer's personal use must be reported in Item 60.
- all disbursements for transportation by public carrier between the officer's home and place of employment or for other transportation not involving the conduct of official business.
- all other direct and indirect disbursements to each officer not included elsewhere in this report. Include all direct and indirect disbursements which were essentially for the personal benefit of the officer and not necessary for conducting official business of your organization. However, disbursements for occasional non-cash gifts of insubstantial value need not be included in Column (E) if reported in Item 55 (Contributions, Gifts, and Grants).

Do not report the following disbursements in Schedule 2:

- loans to officers which must be reported in Item 57 (Loans Made);
- benefits to officers which must be reported in Item 54 (Benefits);
- reimbursements to an officer for the purchase of investments and fixed assets, such as reimbursing an officer for a calculator purchased for office use, which must be reported in Item 56 (Purchase of Investments and Fixed Assets) and explained in Item 60;
- indirect disbursements for temporary lodging (room rent charges only) or transportation by public carrier necessary for conducting official business while the officer is in travel status away from his home and principal place of employment with your organization if payment is made by your organization directly to the provider or through a credit arrangement and these disbursements are reported in Item 51 (Office and Administrative Expense and Direct Taxes); however, charges other than room rent on hotel bills must be reported in Column (E);
- disbursements made by your organization to someone other than an officer as a result of transactions arranged by an officer in which property, goods, services, or other things of value were received by or on behalf of your organization rather than the officer, such as rental of offices and meeting rooms, purchase of office supplies, refreshments and other expenses of membership banquets or meetings, and food and

refreshments for the entertainment of groups other than the officers and membership on official business;

- office supplies, equipment, and facilities furnished to officers by your organization for use in conducting official business; and
- maintenance and operating costs of your organization's assets other than automobiles owned or leased by your organization and assigned to officers.

Enter on Line 10, Columns (D) and (E) the totals from any additional pages.

**Column (F):** Add Columns (D) and (E) for each of Lines 1 through 10 and enter the totals in Column (F).

Add Lines 1 through 10, Columns (D) through (F), and enter the totals on Line 11. Enter the total from Line 11, Column (F) in Item 47(a).

[A] **Accrual Filers** - Cross out references to "disbursements" and enter the term "expenses." Report in Columns (D) and (E) of Schedule 2, in the detail required by the instructions for Schedule 2, the total salary, allowances, and other direct and indirect expenses incurred by each officer.

## STATEMENT A - ASSETS AND LIABILITIES

### ASSETS

**24. CASH** - Enter the total of all your organization's cash on hand and on deposit at the start and end of the reporting period in Columns (A) and (B), respectively. Include all cash on hand, such as undeposited cash, checks, and money orders; petty cash; and cash in safe deposit boxes. Cash on deposit includes funds in banks, credit unions, and other financial institutions, such as checking accounts, savings accounts, certificates of deposit, and money market accounts. Also include any interest credited to your organization's account during the reporting period.

NOTE: The checking account balances reported should be obtained from your organization's books as reconciled with the balances shown on bank statements.

**25. ACCOUNTS RECEIVABLE** - Enter the total of all accounts receivable due your organization at the start and end of the reporting period in Columns (A) and (B), respectively.

[A] **Accrual Filers** - Change the name of Item 25 to "Net Accounts Receivable." Report in Item 25 accounts receivable less any allowance for doubtful accounts. Include accounts receivable from Dues (Item 39), Per Capita Tax (Item 40), and Fees, Fines, Assessments, and Work Permits (Item 41).

**26. LOANS RECEIVABLE** - Enter the total of all loans owed to your organization at the start and end of the reporting period in Columns (A) and (B), respectively. Include all direct and

indirect loans (whether or not evidenced by promissory notes or secured by mortgages) owed to your organization by individuals, business enterprises, benefit plans, and other entities including labor organizations. An example of an indirect loan is a disbursement by your organization to an educational institution for the tuition expense of an officer, employee, or member which must be repaid to your organization by that individual. Be sure to include all loans that were made and repaid in full during the reporting period. Do not include investments in corporate bonds which must be reported in Item 29 (Other Investments) or mortgages purchased on a block basis through a bank or similar institution which must be reported in Item 28 (Mortgage Investments).

27. **U.S. TREASURY SECURITIES** - Enter the total value of all U.S. Treasury securities as shown on your organization's books at the start and end of the reporting period in Columns (A) and (B), respectively. If the value reported is different than the original cost, the original cost must be reported in Item 60. Other U.S. Government obligations, state and municipal bonds, and foreign government securities must be reported in Item 29 (Other Investments).

28. **MORTGAGE INVESTMENTS** - Enter the total value of all mortgages purchased on a block basis through a bank or similar institution as shown on your organization's books at the start and end of the reporting period in Columns (A) and (B), respectively. If the value reported is different than unrecovered cost, the unrecovered cost must be reported in Item 60. Do not include mortgage secured loans made by your organization since these must be reported in Item 26 (Loans Receivable).

29. **OTHER INVESTMENTS** - Enter in Columns (A) and (B), respectively, the total book value at the start and end of the reporting period of all investments not reported in Item 27 or 28. The book value of these investments is the lower of cost or market value.

30. **FIXED ASSETS** - Enter in Columns (A) and (B), respectively, the book value at the start and end of the reporting period of all fixed assets, such as land, buildings, automobiles, and office furniture and equipment owned by your organization. The book value of fixed assets is cost less depreciation.

31. **OTHER ASSETS** - Enter in Columns (A) and (B), respectively, the total value as shown on your organization's books at the start and end of the reporting period of all assets which have not been reported in Items 24 through 30.

[A] **Accrual Filers** - Report in Item 31 the amounts receivable for revenues earned but not received by the end of the reporting period for all assets other than those reported in Item 25 (Accounts Receivable) and Item 26 (Loans Receivable). Include any prepaid expenses.

32. **TOTAL ASSETS** - Add Items 24 through 31, Columns (A) and (B), and enter the respective totals in Item 32.

## LIABILITIES

**33. ACCOUNTS PAYABLE** - Enter the total amount of your organization's accounts payable at the start and end of the reporting period in Columns (C) and (D), respectively. Ordinarily, accounts payable are those obligations incurred on an open account for goods and services rendered.

**34. LOANS PAYABLE** - Enter in Columns (C) and (D), respectively, the total of all loans owed by your organization at the start and end of the reporting period, including those represented by notes. Do not include loans secured by mortgages or similar liens on real property (land or buildings) which must be reported in Item 35 (Mortgages Payable).

**35. MORTGAGES PAYABLE** - Enter the total amount of your organization's obligations which were secured by mortgages or similar liens on real property (land or buildings) at the start and end of the reporting period in Columns (C) and (D), respectively.

**36. OTHER LIABILITIES** - Enter in Column (C) the total amount as shown on your organization's books at the start of the reporting period of all liabilities not reported in Items 33 through 35. Enter in Column (D) the total reported on Line 6 of Schedule 1.

**37. TOTAL LIABILITIES** - Add Items 33 through 36, Columns (C) and (D), and enter the respective totals in Item 37.

**38. NET ASSETS** - Subtract Item 37, Column (C) from Item 32, Column (A) and enter the difference in Item 38, Column (C). Subtract Item 37, Column (D) from Item 32, Column (B) and enter the difference in Item 38, Column (D).

## STATEMENT B - RECEIPTS AND DISBURSEMENTS

The purpose of Statement B is to report the flow of cash in and out of your organization during the reporting period. Transfers between separate bank accounts or between special funds of your organization, such as vacation or strike funds, do not represent the flow of cash in and out of your organization. Therefore, these transfers should not be reported as receipts and disbursements of your organization. For example, do not report a transfer of cash from your organization's savings account to its checking account. Likewise, the use of funds reported in Item 24 (Cash) to purchase certificates of deposit and the redemption of certificates of deposit should not be reported in Statement B.

Since Statement B reports all cash flowing in and out of your organization, "netting" is not permitted. "Netting" is the offsetting of receipts against disbursements and reporting only the balance (net) as either a receipt or disbursement. For example, if an officer received $1,000 from your organization for convention expenses, used only $800 and returned the remaining $200, the $1,000 disbursement must be reported in Schedule 2 and the $200 receipt must be reported in Item 45. It would be incorrect to report only an $800 net disbursement to the officer.

Receipts and disbursements by an agent on behalf of your organization are considered receipts and disbursements of your organization and must be reported in the same detail as other receipts

and disbursements. For example, if your organization owns a building managed by a rental agent, the agent's rental receipts and disbursements for expenses must be reported on your organization's Form LM-3.

[A] **Accrual Filers** - Report in Statement B all revenues earned and expenses incurred by your organization during the reporting period. Cross out the references to "receipts" and "disbursements" in the heading for Statement B, the column headings, and in Items 45, 46, 58, and 59 and enter the terms "revenues" and "expenses" as appropriate.

## CASH RECEIPTS

[A] **Accrual Filers** - Report in Items 39 through 45, as applicable, all revenues earned by your organization.

39. **DUES** - Enter the total dues received by your organization. Include dues received directly by your organization from members, dues received from employers through a checkoff arrangement, and dues transmitted to your organization by a parent body or other affiliate. Report the full dues received, including any portion that will later be transmitted to an intermediate or parent body as per capita tax. Also report in Item 39 payments in lieu of dues received from any nonmember employees as a condition of employment under a union security agreement.

If an intermediate or parent body receives dues checkoff directly from an employer on behalf of your organization, do not report in Item 39 the portion retained by that organization for per capita tax or other purposes, such as a special assessment. Any amounts retained by the intermediate or parent body other than per capita tax must be explained in Item 60. Also, do not report in Item 39 dues which your organization collected on behalf of other organizations for transmittal to them. For example, if your organization receives dues from a member of an affiliate who is working in your organization's jurisdiction, the dues collected on the affiliate's behalf must be reported in Item 45 (Other Receipts).

40. **PER CAPITA TAX** - Enter the total per capita tax received by your organization if your organization is an intermediate or parent body; otherwise, enter "00" in Item 40. Include the per capita tax portion of dues received directly by your organization from members of affiliates, per capita tax received from subordinates, either directly or through intermediaries, and the per capita tax portion of dues received through a checkoff arrangement whereby local dues are remitted directly to an intermediate or parent body by employers. Do not include dues collected on behalf of subordinate organizations for transmittal to them. For example, if a parent body receives dues checkoff directly from an employer and returns the local's portion of the dues, the parent body must report the dues received on behalf of the local in Item 45 (Other Receipts).

41. **FEES, FINES, ASSESSMENTS, AND WORK PERMITS** - Enter your organization's receipts from fees, fines, assessments, and work permits. Receipts by your organization on behalf of affiliates for transmittal to them must be reported in Item 45 (Other Receipts).

**42. INTEREST AND DIVIDENDS** - Enter the total amount of interest and dividends received by your organization from savings accounts, bonds, mortgages, loans, investments, and all other sources.

**43. RENTS** - Enter the total amount of rents received by your organization.

**44. SALE OF INVESTMENTS AND FIXED ASSETS** - Enter the net amount received for all investments and fixed assets sold. If the amount received is less than the amount due (gross sales price less any deductions for selling expenses or repayments of secured loans or mortgages), the additional amount due to your organization must be reported in Item 31 (Other Assets). However, if a mortgage or note is taken back, it must be reported in Item 26 (Loans Receivable).

[A] **Accrual Filers** - Change the name of Item 44 to "Gain or (Loss) on Sale of Investments and Fixed Assets." Report in Item 44 the gain or loss on the sale of investments and fixed assets. Indicate a loss by enclosing the amount in parentheses. However, receipts from the sale of investments and fixed assets received by your organization must be reported in Item 60.

**45. OTHER RECEIPTS** - Enter all receipts of your organization other than those reported in Items 39 through 44, including proceeds from the sale of supplies, loans obtained, repayments of loans made, and funds collected for transmittal to third parties.

[A] **Accrual Filers** - Report in Item 45 all revenues earned by your organization which are not reported in Items 39 through 44. Do not report receipts from loans obtained, repayments of loans made, funds collected for transmittal to third parties, or comparable receipts since these are not reportable as revenues. However, the total of these receipts must be reported in Item 60.

**46. TOTAL RECEIPTS** - Add Items 39 through 45 and enter the total in Item 46.

## CASH DISBURSEMENTS

[A] **Accrual Filers** - Report in Items 47 through 58, as applicable, all expenses incurred by your organization.

**47. TO OFFICERS** - Enter in Item 47(a) the total reported on Line 11, Column (F) of Schedule 2. Enter in Item 47(b) the total amount of withheld taxes, payroll deductions, and other deductions. Subtract Item 47(b) from Item 47(a) and enter the difference in the Amount Column for Item 47.

Disbursements for the transmittal of withheld taxes, payroll deductions, and other deductions must be reported in Item 58 (Other Disbursements). Any portion of withheld taxes or any

payroll or other deductions which have not been transmitted at the end of the reporting period are liabilities of your organization and must be reported in Schedule 1. Payroll or other deductions retained by your labor organization (such as repayments of loans made) must be fully explained in Item 60.

[A] **Accrual Filers** - Enter the total reported on Line 11, Column (F) of Schedule 2 in Item 47(a) and in the Amount Column. Do not complete Item 47(b).

48. **TO EMPLOYEES** - Enter in Item 48(a) the total of all salaries, allowances, and other direct and indirect disbursements to employees of your organization. Follow the instructions for Schedule 2 in determining the disbursements to be reported in Item 48(a).

Enter in Item 48(b) the total amount of withheld taxes, payroll deductions, and all other deductions. Subtract Item 48(b) from Item 48(a) and enter the difference in the Amount Column for Item 48.

[A] **Accrual Filers** - Report the total salary, allowances, and other direct and indirect expenses incurred by employees of your organization in Item 48(a) and in the Amount Column. Do not complete Item 48(b).

49. **PER CAPITA TAX** - Enter your organization's total amount of per capita tax paid as a condition or requirement of affiliation with your parent national or international union, state and local central bodies, a conference, joint or system board, joint council, federation, or other labor organization.

50. **FEES, FINES, ASSESSMENTS, ETC.** - Enter the total amount of fees, fines, assessments, and similar disbursements made by your organization to a parent body or other labor organization.

51. **OFFICE AND ADMINISTRATIVE EXPENSE AND DIRECT TAXES** - Enter total disbursements for your organization's office and administrative expenses and direct taxes. Include fidelity bond premiums and the ordinary expenses for operating your organization's office, such as heat, light, rent, telephone, and office supplies. As explained in the instructions for Schedule 2, Column (E), disbursements for hotel rooms or for transportation by public carrier of officers and employees on official business may be reported in Item 51 when payment is made directly to the provider or through a credit arrangement. Do not include salaries, allowances, or other direct and indirect disbursements to officers and employees which must be reported in Schedule 2 and in Items 47 and 48.

Also report in Item 51 all taxes assessed against and paid by your organization, including your organization's FICA taxes as an employer. Do not include disbursements for the transmittal of taxes withheld from the salaries of officers and employees which must be reported in Item 60. Also, do not include indirect taxes, such as sales and excise taxes.

52. **EDUCATIONAL AND PUBLICITY EXPENSE** - Enter your organization's total disbursements for educational, publicity, and publication expenses. Do not include direct and

indirect disbursements to officers and employees which must be reported in Schedule 2 and in Items 47 and 48.

**53. PROFESSIONAL FEES** - Enter your organization's total disbursements for "outside" legal and other professional services (auditing, economic research, computer consulting, arbitration, etc.). Include any disbursements made for the expenses of individuals or firms providing professional services to your organization. Do not include direct and indirect disbursements to officers and employees which must be reported in Schedule 2 and in Items 47 and 48.

**54. BENEFITS** - Enter the total of all direct and indirect benefit disbursements made by your organization. Direct benefit disbursements are those made to officers, employees, members, and their beneficiaries from your organization's funds. Indirect benefit disbursements are those made from your organization's funds to a separate and independent entity, such as a trust or insurance company, which in turn and under certain conditions will pay benefits to the covered individuals. An example of an indirect benefit disbursement is the premium on group life insurance.

**55. CONTRIBUTIONS, GIFTS, AND GRANTS** - Enter the total of all disbursements for contributions, gifts, and grants made by your organization.

**56. PURCHASE OF INVESTMENTS AND FIXED ASSETS** - Enter the total disbursements for all investments and fixed assets purchased by your organization. Do not include any unpaid balances still owed which should be reported in Item 34 (Loans Payable) or Item 35 (Mortgages Payable).

[A] **Accrual Filers** - Cross out and do not complete Item 56 since this amount is not reportable as an expense.

**57. LOANS MADE** - Enter the total disbursements for loans made by your organization. Include all direct and indirect loans made to individuals, business enterprises, and other organizations, regardless of amount.

[A] **Accrual Filers** - Cross out and do not complete Item 57 since this amount is not reportable as an expense.

**58. OTHER DISBURSEMENTS** - Enter all disbursements made by your organization not reported in Items 47 through 57, including supplies for resale, withholding taxes, repayments of loans obtained, transmittals of funds collected for third parties, and payments for the account of affiliates and other third parties.

[A] **Accrual Filers** - Report in Item 58 all expenses incurred by your organization which are not reported in Items 47 through 55. Do not report disbursements for repayments of loans obtained, transmittals of funds collected for third parties, payments made for the account of affiliates and other third parties, or comparable disbursements since these are not reportable as expenses. Also do not report in Item 58 disbursements for the transmittal of withholding taxes and other amounts

deducted from officer and employee payments since all officer and employee salaries and other expenses incurred must be reported in Items 47 and 48.

59. **TOTAL DISBURSEMENTS** - Add Items 47 through 58 and enter the total in Item 59.

NOTE: If your organization uses the cash method of accounting, you may wish to use the following worktable to determine that the figures for receipts, disbursements, and cash are correctly reported on your organization's Form LM-3.

| | |
|---|---|
| A. Cash at Start of Reporting Period - Item 24, Column (A) | $ |
| B. Add: Total Receipts - Item 46 | |
| C. Total of Lines A and B | |
| D. Subtract: Total Disbursements - Item 59 | |
| E. Cash at End of Period | $ |

If Line E does not equal the amount reported in Item 24, Column (B), there is an error in your report which should be corrected.

## STATEMENT C - FUNCTIONAL ALLOCATION

**Column (A) - TOTAL:** Enter on Lines 1 through 8 the total amounts from the referenced items.

**Line 1:** Enter the gross Officer Payments as reported in Item 47(a) of Statement B.

**Line 2:** Enter the gross Employee Payments as reported in Item 48(a) of Statement B.

**Line 3:** Enter the amount for Fees, Fines, Assessments, etc., as reported in Item 50 of Statement B.

**Line 4:** Enter the amount for Office and Administrative Expense and Direct Taxes as reported in Item 51 of Statement B.

**Line 5:** Enter the amount for Educational and Publicity Expense as reported in Item 52 of Statement B.

**Line 6:** Enter the amount for Professional Fees as reported in Item 53 of Statement B.

**Line 7:** Enter the amount for Benefits as reported in Item 54 of Statement B.

**Line 8:** Enter the amount for Contributions, Gifts, and Grants as reported in Item 55 of Statement B.

**Line 9:** Add Lines 1 through 8 and enter the total.

**Columns (B) Through (G):** Allocate the amounts reported on Lines 1 through 8, Column (A) among the six functional categories in Columns (B) through (G) of Statement C, as appropriate.

Your organization's method of allocation must be consistent from year to year, systematic, and reasonable. An explanatory statement must be attached to Form LM-3 describing your organization's allocation method.

For each functional category, Columns (B) through (G), add Lines 1 through 8 and enter the total on Line 9. The total amounts reported on Line 9, Columns (B) through (G) must equal the total on Line 9, Column (A).

The instructions below provide examples of activities covered by the functional categories, Columns (B) through (G), and are intended to be illustrative and not all inclusive.

[A] **Accrual Filers** - Allocate in Columns (B) through (G), as appropriate, the expenses reported in Column (A).

**Column (B) - CONTRACT NEGOTIATION AND ADMINISTRATION** - Enter disbursements for all activities associated with preparation for, and participation in, the negotiation of collective bargaining agreements and the administration and enforcement of the agreements.

Contract negotiation includes all activities for negotiating and ratifying collective bargaining agreements, such as the training of negotiators, research and economic studies related to contract negotiations, surveys of members' sentiments on bargaining issues, bargaining sessions, informing the membership of the progress of negotiations, explanations to members prior to ratification of the negotiated agreement, and the ratification process.

Contract administration includes all activities for implementing collective bargaining agreements, such as resolution of questions concerning the interpretation and application of an agreement or related matters, workplace safety and health activities related to contract administration, training of union officials and members, research, meetings regarding individual or class grievances under the contractually established procedures, explanations and discussions of contract language, administrative proceedings, arbitration, and litigation.

**Column (C) - ORGANIZING** - Enter disbursements for all activities associated with efforts to recruit new members into your organization or its affiliates, to become the exclusive bargaining representative for any unit of employees, or to keep from losing a unit to another labor organization, including activities related to certification/decertification elections and jurisdictional disputes. Also enter disbursements for related research, meetings, the preparation and distribution of materials, and administrative proceedings and litigation.

**Column (D) - STRIKE ACTIVITIES** - Enter disbursements for all activities associated with strikes (including recognitional strikes), work stoppages, and lock-outs, including payments to or on behalf of members and others, publications, record keeping, eligibility determinations, picket line costs, benefit distribution, and strike-related litigation.

**Column (E) - POLITICAL ACTIVITIES** - Enter contributions in money (other than contributions from separate segregated funds that are reported to the Federal Election Commission) to advance or oppose the candidacy of individuals for public executive, legislative, or judicial office and to support or oppose ballot referenda. Also enter disbursements for related caucuses, strategy meetings, literature, media use, establishing and administering separate segregated funds, soliciting contributions for candidates, telephone banks, communications with

members and the general public, voter registration and get-out-the-vote drives, and polling place observers and workers.

**Column (F) - LOBBYING AND PROMOTIONAL ACTIVITIES** - Enter disbursements for all activities associated with lobbying and promotional activities.

Lobbying includes all activities associated with dealing with the executive and legislative branches of government and with independent agencies and staffs to advance the passage or defeat of existing or potential laws, or the issuance, amendment, or repeal of rules or regulations, including the preparation of testimony, the preparation and distribution of related material, entertainment, and letter-writing campaigns.

Promotional activities include all activities associated with communications with the public to promote your organization, labor organizations generally, and their positions except those positions involving elections for public office and referendum issues. Also enter disbursements for related media advertisements, speeches, team sponsorships, and union/industry shows.

**Column (G) - OTHER** - Enter disbursements for all activities associated with functions not included in Columns (B) through (F), such as safety and health activities not related to contract administration, apprenticeship programs, international relations, and all disbursements that cannot be reasonably allocated among the other functional categories.

## ADDITIONAL INFORMATION AND SIGNATURES

**60. ADDITIONAL INFORMATION** - Use Item 60 to provide additional information, as indicated on Form LM-3 and in the instructions. Enter the number of the item to which the information relates in the Item Number column. If there is not enough space in Item 60, report the additional information on a separate letter-size page(s). Be sure to include the following at the top of each page: the name of your organization, its 6-digit file number as reported in Item 1 of Form LM-3, and the ending date of the reporting period as reported on the second line of Item 2.

**61-62. SIGNATURES** - The original and one copy of completed Form LM-3 which are filed with OLMS must be signed by both the president and treasurer or corresponding principal officers of your organization. Original signatures are required; stamped or mechanical signatures are not acceptable. If the duties of the principal executive or principal financial officer are performed by officers other than the president and treasurer, the report may be signed by the other officers. If the report is signed by an officer other than the president or treasurer, cross out the printed title, enter the correct title in Item 61 or 62, and explain in Item 60 why the president or treasurer did not sign the report. Enter the city and state where the report was signed, the date the report was signed, and the telephone number at which the signatories conduct official business; you do not have to report a private, unlisted telephone number.

**XI. LABOR ORGANIZATIONS WHICH HAVE TERMINATED** - If your organization has gone out of existence as a reporting labor organization, the last president and treasurer or the officials responsible for winding up the affairs of your organization must file a terminal financial report for the period from the beginning of the fiscal year to the date of termination. A terminal

financial report must be filed if your organization has disbanded, merged into another organization, or consolidated with other organizations to form a new organization. A terminal financial report is not required if your organization changed its affiliation but continues to function as a separate reporting labor organization.

The terminal financial report may be filed on Form LM-3 if your organization filed its previous annual report on Form LM-3 and your organization's total annual receipts, as defined in Section II of these instructions, for the part of the last fiscal year during which your organization existed were less than $200,000. (If total annual receipts were $200,000 or more, your organization must use Form LM-2 to file its terminal financial report.) Your organization's terminal financial report must be submitted to the U.S. Department of Labor, Office of Labor-Management Standards, 200 Constitution Avenue, NW, Washington, DC 20210, within 30 days after the date of termination.

To complete a terminal report on Form LM-3 follow the instructions in Section X and in addition:

- Print the words "TERMINAL REPORT" at the top of page 1 of Form LM-3.
- Enter the date your organization ceased to exist in Item 2 after the word "THROUGH."
- Print the words "TERMINAL REPORT" as the first entry in Item 60 and provide a detailed statement of the reason why your organization ceased to exist. Also provide the name and address of the person or organization that will retain the records of the terminated organization. If your organization merged with another labor organization, report that organization's name, address, and 6-digit file number.

Contact the nearest OLMS field office listed below if you have questions about filing a terminal report.

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Assistance may be obtained from the field offices of the U.S. Department of Labor's Office of Labor-Management Standards located in the following cities:

Albany, NY
Atlanta, GA
Boston, MA
Buffalo, NY
Chicago, IL
Cincinnati, OH
Cleveland, OH
Dallas, TX
Denver, CO
Detroit, MI
Grand Rapids, MI
Hato Rey, PR
Honolulu, HI
Houston, TX
Iselin, NJ
Kansas City, MO
Los Angeles, CA
Miami, FL
Milwaukee, WI
Minneapolis, MN
Nashville, TN
New Haven, CT
New Orleans, LA
New York, NY
Philadelphia, PA
Pittsburgh, PA
St. Louis, MO
San Diego, CA
San Francisco, CA
Seattle, WA
Tampa, FL
Vestavia Hills, AL
Washington, DC

Consult local telephone directory listings under United States Government, Labor Department, Office of Labor-Management Standards, for the address and telephone number of the nearest field office.

29 CFR Part 403

RIN 1294-AA08

## Abbreviated Annual Financial Reports for Small Labor Organizations

**AGENCY:** Office of Labor-Management Standards, Labor.

**ACTION:** Final rule.

**SUMMARY:** This final rule revises the regulation pertaining to the filing, by labor organizations, of annual financial reports required by the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA). The rule provides for an abbreviated labor organization financial report (Form LM-4) for small unions with annual receipts of less than $10,000. The abbreviated financial reporting form will ease the reporting burden on these small unions.

**EFFECTIVE DATE:** December 31, 1993.

**FOR FURTHER INFORMATION CONTACT:** Marshall J. Breger, Acting Assistant Secretary for Labor-Management Standards, U.S. Department of Labor, 200 Constitution Avenue, NW., room S-2203, Washington, DC 20210, (202) 219-8174. This is not a toll free number.

**SUPPLEMENTARY INFORMATION:**

### A. Background and Overview

Section 201(a) of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), requires each covered labor organization to, among other things, adopt a constitution and bylaws and file these documents and information on the rates of dues and fees, as well as any subsequent changes in these items, with the Secretary of Labor. Section 201(b) of the LMRDA requires each covered labor organization to file annually a financial report signed by its president and treasurer or corresponding principal officers, disclosing its financial condition for the preceding fiscal year. The Secretary of Labor has delegated her authority under the LMRDA to the Assistant Secretary for Labor-Management Standards. See Secretary's Order No. 3-43 (49 FR 20578).

The requirements of section 201 apply to all labor organizations in the private sector including those representing employees under the provisions of the National Labor Relations Act, as amended, and the Railway Labor Act, as amended. Section 1209(b) of the Postal Reorganization Act made the LMRDA applicable to labor organizations representing employees of the U.S. Postal Service. Section 701 of the Civil Service Reform Act of 1978 (CSRA) and section 1017 of the Foreign Service Act of 1980 (FSA), as implemented by Department of Labor regulations at 29 CFR parts 457-459, extended the LMRDA reporting requirements to labor organizations representing certain employees of the federal government.

On September 10, 1992, the Department published in the **Federal Register** (57 FR 41634) a notice of proposed rulemaking to amend the regulations implementing the reporting requirements of the LMRDA and to adopt a new, abbreviated annual financial reporting form, Form LM-4, for small labor organizations. The proposal to develop Form LM-4 was made in order to reduce the reporting burden on labor organizations with total annual receipts of less than $10,000. This proposal was made in the context of another notice of proposed rulemaking (57 FR 14244, April 17, 1992) to revise Forms LM-2 and LM-3 to require that labor organizations report expenditures in functional categories and to make other changes to those reporting forms.

Public comment on the proposal to adopt Form LM-4 was invited, with the comment period ending on October 13, 1992. Two comments from the public were received from the Sheet Metal Workers' International Association and the National Federation of Federal Employees. After considering these comments, the Department has decided to adopt Form LM-4 as proposed, with a few changes discussed below to clarify the reporting requirements. Published elsewhere in this separate part of the **Federal Register** is a final rule revising Forms LM-2 and LM-3. The effective date for the new Form LM-4 and the revised Forms LM-2 and LM-3 is December 31, 1993, i.e., labor organizations will be required to use these forms for fiscal years which begin on and after January 1, 1993.

### B. Comments on the Proposal

Both comments supported the adoption of the proposed abbreviated Form LM-4. Both comments also recommended that the threshold for eligibility to file Form LM-4 be increased. One recommended that labor organizations with total annual receipts less than $25,000 be permitted to report on the abbreviated Form LM-4. The other recommended that Form LM-4 be used by either (1) labor organizations with total annual receipts less than $50,000, or (2) labor organizations with net annual receipts (total annual receipts less per capita tax received and transmitted to parent labor organizations) less than $25,000.

The Department has decided, first, that the basis for determining eligibility for using the abbreviated Form LM-4 should be total annual receipts, as in the proposal, not net receipts; total annual receipt has always been, and continues to be, used for determining eligibility for filing the simplified Form LM-3, and the Department sees no reason to change.

The Department has also decided to retain the threshold amount of $10,000 for eligibility to use abbreviated Form LM-4; in the Department's judgment, the threshold of $10,000 total annual receipts is appropriate in view of the minimal information required to be reported in that form. Approximately 39,200 labor organizations are subject to the LMRDA, CSRA, and FSA and file reports with OLMS. Approximately 14,000 of these organizations will be authorized to file the abbreviated Form LM-4 in addition to 3,500 labor organizations with no assets and no receipts which currently have reports filed on their behalf by the parent organizations. The suggested amounts of $50,000 and $25,000 are too high for the Form LM-4 to provide adequate disclosure in view of the nature and extent of the financial transactions of such labor organizations.

One comment suggested that the Form LM-4 be revised to add items requiring the disclosure of information regarding the labor organization's fidelity bond coverage and premium. (Forms LM-2 and LM-3 require disclosure of bonding coverage but not separate disclosure of the disbursements for the premium.) The comment did not explain the rationale for requiring this information.

In developing the Form LM-4, the Department has attempted to balance the need for disclosure with the need to minimize the reporting burden. Since many of the labor organizations which are eligible to file on Form LM-4 are not subject to the LMRDA section 502 bonding requirements, which exempt labor organizations with $5,000 or less in property and total annual receipts, the Department has decided not to add questions regarding bonding coverage and premiums.

Finally, one comment suggested that a question be added to Form LM–4 asking whether the reporting labor organization has changed its method of accounting (cash or accrual). Under the proposed Form LM–4 instructions, it was presumed that most of the labor organizations filing on Form LM–4 would use the cash method of accounting; if any labor organization used the accrual method, this was to be reported in the "other information" item.

The Department has decided to add a general question regarding whether the reporting labor organization used the cash or the accrual method of accounting in completing Form LM–4. This change, which is consistent with the revised Forms LM–2 and LM–3, will enable persons who review the reports to easily ascertain which method of accounting the labor organizations used in completing the report and, by examining reports from prior years, whether the reporting labor organization has changed its accounting method.

**C. Other Changes**

In addition to the new item on the accounting method used by the reporting labor organization discussed above, the Department has revised Item 16 of Form LM–4 to clarify the requirement stated in the instructions that any loss or shortage of funds must be reported, even if there has been repayment or recovery. Also, a number of editorial and stylistic changes have been made in the instructions to clarify the reporting requirements, to improve readability, and where appropriate to conform to the instructions for Forms LM–2 and LM–3.

**D. Administrative Requirements**

*1. Executive Order 12291*

The Department of Labor has determined that this rule is not a "major rule" under Executive Order 12291 in that it will not have an annual effect on the economy of $100 million or more, not cause a major increase in costs or prices, and not have an adverse effect on competition in the marketplace. Therefore, no regulatory impact analysis is required.

*2. Regulatory Flexibility Act*

The Agency Head has certified that this rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act. The rule only applies to labor organizations and would decrease the reporting burden on labor organizations with annual receipts of less than $10,000. In accordance with the provisions of the Regulatory Flexibility Act, the Department of Labor had determined that the labor unions regulated pursuant to the statutory authority granted under the LMRDA do not constitute small entities. Therefore, a regulatory flexibility analysis under the Regulatory Flexibility Act is not required.

*3. Paperwork Reduction Act*

Pursuant to the Paperwork Reduction Act of 1980, as amended, the information collection requirements for this program have been approved by the Office of Management and Budget (OMB control number 1214–0001).

**List of Subjects in 29 CFR Part 403**

Labor unions, reporting and recordkeeping requirements.

**Text of Final Rule**

In consideration of the foregoing, the Department of Labor, Office of Labor-Management Standards amends part 403 of title 29, Code of Federal Regulations, as follows:

## PART 403—LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS

1. The authority citation for part 403 continues to read as follows:

**Authority:** Secs. 201, 208, 301, 73 Stat. 524, 529, 530; 29 U.S.C. 431, 438, 461; Secretary's Order No. 3–84 (49 FR 20578).

2. Section 403.4 is amended by redesignating paragraph (a) as paragraph (a)(1) and adding a new paragraph (a)(2) as follows:

**§ 403.4 Simplified annual reports for smaller labor organizations.**

(a) * * *

(2) If a labor organization, not in trusteeship, has gross annual receipts totaling less than $10,000 for its fiscal year, it may elect, subject to revocation of the privileges as provided in section 208 of the Act, to file the annual financial report called for in section 201(b) of the Act and § 403.3 on United States Department of Labor Form LM–4 entitled "Labor Organization Annual Report" in accordance with the instructions accompanying such form and constituting a part thereof.

* * * * *

Signed in Washington, DC, this 28th day of October, 1992.

**Lynn Martin,**

*Secretary of Labor.*

Note: This appendix will not appear in the Code of Federal Regulations.

Appendix—Labor Organization Annual Report Form LM–4

U.S. Department of Labor
Office of Labor-Management Standards
Washington, DC 20210

Form approved
Office of Management and Budget

# LABOR ORGANIZATION ANNUAL REPORT FORM LM-4

**FOR USE BY LABOR ORGANIZATIONS WITH LESS THAN $10,000 IN TOTAL ANNUAL RECEIPTS**

This report is mandatory under P.L. 86-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 439 or 440.

**READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT. SUBMIT THIS REPORT IN DUPLICATE.**

**IMPORTANT**

If label is here, → peel off top part and place in same box on second copy of form.

If label information is correct, leave items 5 through 9 blank.

If label information is incorrect, complete items 5 through 9.

1. FILE NUMBER

| 2. PERIOD COVERED | MO | DAY | YR |
|---|---|---|---|
| FROM | | | |
| THROUGH | | | |

3. WHERE LOCATED OR CHARTERED TO OPERATE:
CITY _____ COUNTY _____ STATE _____

4. ACCOUNTING METHOD: ☐ CASH ☐ ACCRUAL

5. AFFILIATION OR ORGANIZATION NAME

6. DESIGNATION (Local, Lodge, etc.)

7. DESIGNATION NUMBER

8. UNIT NAME (if any)

9. MAILING ADDRESS:
(In care of) NAME AND TITLE OF PERSON
NUMBER AND STREET
CITY STATE ZIP CODE

10. During the reporting period, did your organization have any changes in its constitution or bylaws? *(If yes, attach a copy.)* ☐ Yes ☐ No

11. During the reporting period, did your organization change its rates of dues and fees? *(If yes, report the rates in Item 17.)* ☐ Yes ☐ No

12. Enter the total receipts of your organization during the reporting period. *(If $10,000 or more, your organization must file Form LM-2 or LM-3 instead of this form.)* $ _____

13. Disbursements made by your organization during the reporting period:
(a) Enter all payments to officers & employees *(salaries, lost time pay, allowances, expenses, etc.).* $ _____
(b) Enter all other disbursements *(per capita tax, loans made, payments for office supplies, etc.).* $ _____

14. Enter the total value of all your organization's assets at the end of the reporting period *(cash, bank accounts, investments, equipment, buildings, etc.).* $ _____

15. Enter the total liabilities (debts) of your organization at the end of the reporting period *(unpaid bills, loans owed, mortgages owed, etc.).* $ _____

16. During the reporting period, did your organization discover any loss or shortage of funds or property whether or not there has been repayment or recovery? *(If yes, provide details in Item 17.)* ☐ Yes ☐ No

17. ADDITIONAL INFORMATION *(If this is a terminal report, see Section X of the instructions.)*

| Item Number | |
|---|---|
| | |

*(If more space is needed, attach additional pages properly identified.)*

Each of the undersigned, duly authorized officers of the above labor organization, declares, under the applicable penalties of law,* that all of the information submitted in this report (including the information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete.

18. SIGNED: _____ PRESIDENT *(If other title, cross out and write in correct title above. Explain in Item 17.)*
at: _____ on: _____
City State Date
( ) _____
Telephone Number

19. SIGNED: _____ TREASURER *(If other title, cross out and write in correct title above. Explain in Item 17.)*
at: _____ on: _____
City State Date
( ) _____
Telephone Number

*See Section VI on penalties in the instructions.

Form LM-4 (1992)

# INSTRUCTIONS FOR LABOR ORGANIZATION ANNUAL REPORT, FORM LM-4

## GENERAL INSTRUCTIONS

I. **WHO MUST FILE** - Every labor organization subject to the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), the Civil Service Reform Act (CSRA), or the Foreign Service Act (FSA) must file a financial report, Form LM-2, LM-3, or LM-4, each year with the Office of Labor-Management Standards (OLMS) of the U.S. Department of Labor. These laws cover labor organizations that represent employees who work in private industry, employees of the U.S. Postal Service, and most Federal government employees. Labor organizations that represent only state, county, or municipal government employees are not required to file. If you have a question about whether your organization is required to file, contact the nearest OLMS field office listed on the last page of these instructions.

II. **WHAT FORM TO FILE** - Labor organizations with total annual receipts of less than $10,000 may file the abbreviated 1-page annual report Form LM-4, if not in trusteeship as defined in Section VIII of these instructions. The term "total annual receipts" means all financial receipts of the labor organization during its fiscal year, regardless of the source and with no exclusions or deductions of any kind.

Labor organizations with $10,000 or more in total annual receipts cannot use Form LM-4. However, labor organizations with total annual receipts less than $200,000 and not in trusteeship may file the simplified 3-page Form LM-3. Labor organizations with $200,000 or more in total annual receipts and those in trusteeship must file the detailed 6-page Form LM-2.

III. **WHEN TO FILE** - Form LM-4 must be filed within 90 days after the end of your organization's fiscal year (12-month reporting period). The law does not authorize the U.S. Department of Labor to grant an extension of time for filing reports for any reason.

If your organization went out of existence during its fiscal year, a terminal report must be filed within 30 days after the date it ceased to exist. See Section X of these instructions for information on filing a terminal report.

IV. **WHERE TO FILE** - The original and one duplicate copy of Form LM-4 and any required attachments must be filed with the U.S. Department of Labor at the following address:

U.S. Department of Labor
Office of Labor-Management Standards
200 Constitution Avenue, NW
Washington, DC 20210

If available, use the pre-addressed envelope enclosed with this report package to file Form LM-4.

**V. PUBLIC DISCLOSURE** - The LMRDA requires that the U.S. Department of Labor make labor organization financial reports available for inspection by the public. Reports may be examined and copies purchased at the OLMS Public Disclosure Room at the above address or at the OLMS field office in whose jurisdiction the reporting organization is located. See the last page of these instructions for a list of OLMS field offices.

**VI. RESPONSIBILITIES OF OFFICERS AND PENALTIES** - The president and treasurer or the corresponding principal officers of the labor organization required to sign Form LM-4 are personally responsible for its filing and accuracy. Under the LMRDA, officers are subject to criminal penalties for willful failure to file a required report and for false reporting. False reporting includes making any false statement or misrepresentation of a material fact while knowing it to be false, or for knowingly failing to disclose a material fact in a required report or in the information required to be contained in it or in any information required to be submitted with it. Under the CSRA and FSA and implementing regulations, false reporting and failure to report may result in administrative enforcement action and litigation. The officers responsible for signing Form LM-4 are also subject to criminal penalties for false reporting under section 1001 of Title 18 of the United States Code.

**VII. RECORD KEEPING** - The officers required to file Form LM-4 are responsible for maintaining records which will provide in sufficient detail the information and data necessary to verify the accuracy and completeness of the report. Under the LMRDA, the records must be kept for at least five years after the date the report is filed. Any record necessary to verify, explain, or clarify the report must be retained, including, but not limited to, vouchers, worksheets, receipts, and applicable resolutions.

**VIII. LABOR ORGANIZATIONS UNDER TRUSTEESHIP** - Any labor organization which has placed a subordinate labor organization in trusteeship is responsible for filing the subordinate's annual financial report. A trusteeship is defined in section 3(h) of the LMRDA as "any receivership, trusteeship, or other method of supervision or control whereby a labor organization suspends the autonomy otherwise available to a subordinate body under its constitution or bylaws."

Annual financial reports for any labor organization in trusteeship must be filed on Form LM-2 rather than Form LM-4. The report must be signed by the president and treasurer or corresponding principal officers of the labor organization which assumed the trusteeship and by the trustees of the subordinate labor organization. Copies of Form LM-2 report packages can be obtained from the nearest OLMS field office listed on the last page of these instructions.

## IX. COMPLETING FORM LM-4

### NUMBER OF COPIES

Three blank copies of Form LM-4 are included in this report package. The original and one duplicate copy must be filed with OLMS. A third copy should be maintained in your organization's records.

### LEGIBILITY

Entries on Form LM-4 should be typed or clearly printed in ink. Do not use a pencil.

**ADDRESS LABEL**

If this report package was mailed to you with an address label, peel off the top label and place it in the corresponding box on the second copy of the form, so that address labels are affixed to the two copies being mailed to OLMS. Use the pre-printed labels even if the information on them is incorrect.

**REPORT ONLY DOLLAR AMOUNTS**

Report amounts in Items 12 through 15 in dollars only. Round cents to the nearest dollar.

## ITEMS 1 - 19

1. **FILE NUMBER** - Enter the 6-digit file number which OLMS assigned to your organization. If this Form LM-4 was mailed to you with an address label, your organization's file number is the 6-digit number on the first line of the label. If you do not have a label and you cannot obtain the number from prior reports filed by your organization, contact the nearest OLMS field office listed on the last page of these instructions to obtain your organization's file number.

2. **PERIOD COVERED** - Enter the beginning and ending dates of the period covered by this report. For example, if your organization's 12-month fiscal year begins on January 1 and ends on December 31, enter these dates as "1/1/9__" and "12/31/9__." Your organization's report should never cover more than a 12-month period. It would be incorrect to enter January 1 of one year through January 1 of the next year.

If your organization changes its fiscal year, enter in Item 2 the ending date for the period of less than 12 months, which is your organization's new fiscal year ending date, and report in Item 17 that your organization changed its fiscal year. For example, if your organization's fiscal year ending date changes from June 30 to December 31, a report must be filed for the partial year from July 1 to December 31. Thereafter, your organization's report should cover a full 12-month period from January 1 to December 31.

3. **WHERE LOCATED OR CHARTERED TO OPERATE** - Enter the city, county, and state where your organization is located or chartered to operate. If no single city is named in your charter or is authorized by your national or international labor organization, enter the city, county, and state in which your organization's main office, other than a private residence, is located. If your organization has no office, enter the city, county, and state where most of the members work. The city, county, and state reported should generally remain the same from year to year and should not be changed on your organization's report because of a change in officers or the mailing address reported in Item 9.

4. **ACCOUNTING METHOD** - Indicate the method of accounting (cash basis or accrual basis) used in preparing this report. Under the cash method of accounting, receipts are recorded when money is actually received and disbursements are recorded when money is actually paid out by your organization. Under the accrual method, revenues are recorded when earned and expenses

are recorded when incurred, although such revenues and expenses may not have been actually received or paid in cash. Form LM-4 must be prepared using the same accounting method that your organization regularly uses to maintain its books and records.

IF YOU DO NOT HAVE AN ADDRESS LABEL OR THE INFORMATION ON THE LABEL IS INCORRECT, COMPLETE ITEMS 5 THROUGH 9 IN THEIR ENTIRETY. IF THE LABEL INFORMATION IS CORRECT, LEAVE ITEMS 5 THROUGH 9 BLANK.

**5. AFFILIATION OR ORGANIZATION NAME** - Enter the name of the national or international labor organization which granted your organization a charter. If your organization has no such affiliation, enter the name of your organization as currently identified in your organization's constitution and bylaws or other organizational documents.

**6. DESIGNATION** - Enter the designation that specifically identifies your organization, such as Local, Lodge, Branch, Joint Board, Joint Council, District Council, etc.

**7. DESIGNATION NUMBER** - Enter the number or other descriptive term, if any, by which your organization is known.

**8. UNIT NAME** - Enter any additional name by which your organization is known, such as "Chicago Area Local."

**9. MAILING ADDRESS** - Enter the current address where mail will most surely and quickly reach your organization. Be sure to indicate the name and title of the person, if any, to whom such mail should be sent and include any building and room number.

**10. CHANGES IN CONSTITUTION OR BYLAWS** - Check Item 10 "Yes" if your organization made any changes in its constitution or bylaws (other than changes in the rates of dues and fees required of members) during the reporting period. If "Yes" is checked, attach a copy of the revised constitution and/or bylaws to both copies of the Form LM-4 that your organization files with OLMS. Check "No" if your organization had no changes in its constitution or bylaws.

**11. CHANGES IN RATES OF DUES AND FEES** - Check Item 11 "Yes" if your organization changed its rates of dues and fees during the reporting period. If "Yes" is checked, report the rates of dues and fees in Item 17. Dues and fees include initiation fees charged to new members, fees (other than dues) from transferred members, fees for work permits, and regular dues or fees. Include only the dues and fees of regular members and not the dues and fees of members with special rates, such as apprentices, retirees, or unemployed members. Check "No" if your organization did not change its rates of dues and fees.

**12. RECEIPTS** - Enter in Item 12 the total amount of all receipts of your organization during the reporting period including, for example, dues from members, fees, fines, assessments, interest, dividends, rent, money from the sale of assets, and loans received by your organization. Also include payments in lieu of dues received from any nonmember employees as a condition

of employment under a union security agreement. Enter "00" if your organization had no receipts during the reporting period.

> NOTE: If your organization's annual receipts were $10,000 or more, your organization must report on Form LM-2 or Form LM-3 as explained in Section II of these instructions.

**13. DISBURSEMENTS**

**(a) PAYMENTS TO OFFICERS AND EMPLOYEES** - Enter in Item 13(a) the total amount of all payments to officers and employees made by your organization during the reporting period. The amount reported should include, for example, gross salaries (before tax withholdings and other payroll deductions); lost time pay; monthly, weekly, or daily allowances; and disbursements for conducting official business of the organization as well as disbursements which were essentially for the personal benefit of the officer or employee. Enter "00" if your organization made no payments to officers or employees during the reporting period.

**(b) OTHER DISBURSEMENTS** - Enter in Item 13(b) the total amount of all other disbursements made by your organization during the reporting period including, for example, per capita tax and any other fees or assessments which your organization paid to any other organization, payments for administrative expenses, loans made by your organization, and taxes paid. Do not include payments to officers and employees, which must be reported in Item 13(a). Enter "00" if your organization made no other disbursements during the reporting period.

> NOTE: Section 503(a) of the LMRDA prohibits labor organizations from making direct or indirect loans to any officer or employee of the labor organization which results in a total indebtedness on the part of such officer or employer to the labor organization in excess of $2,000.

**14. ASSETS** - Enter in Item 14 the total value of all your organization's assets at the end of the reporting period including, for example, cash on hand and in banks, property, buildings, loans owed to your organization, investments, office furniture, automobiles, and anything else owned by your organization. Enter "00" if your organization had no assets at the end of the reporting period.

**15. LIABILITIES** - Enter in Item 15 the total amount of your organization's liabilities at the end of the reporting period including, for example, unpaid bills, loans owed, total amount of mortgages owed, and other debts of your organization. Enter "00" if your organization had no liabilities at the end of the reporting period.

**16. LOSSES OR SHORTAGES** - Check Item 16 "Yes" if any loss or shortage of funds or other property of your organization was discovered during the reporting period even if there has been repayment or an agreement to make restitution. If Item 16 is checked "Yes," describe the loss or shortage in detail in Item 17 including such information as the amount of the loss or shortage of funds or a description of the property that was lost, how it was lost, and to what extent, if any, there has been an agreement to make restitution or any recovery by means of repayment, fidelity bond, insurance, or other means. Check "No" if no losses or shortages were discovered.

NOTE: Section 502(a) of the LMRDA requires every officer or employee of a labor organization (whose property and annual financial receipts exceed $5,000 in value) who handles funds or other property of the organization to be bonded. The amount of the bond must be at least 10% of the value of the funds handled by the individual during the last reporting period. The bond must be obtained from a surety company approved by the Secretary of the Treasury. If you have any questions or need more information about bonding requirements, contact the nearest OLMS field office listed on the last page of these instructions.

**17. ADDITIONAL INFORMATION** - Use Item 17 to provide additional information as indicated in Items 11, 16, 18, and 19 and in Section X of these instructions concerning labor organizations which have terminated. Enter the number of the item to which the information relates in the Item Number column. If there is not enough space in Item 17, report the additional information on a separate letter-size page(s). At the top of each page clearly print the name of your organization, its 6-digit file number as reported in Item 1 of Form LM-4, and the ending date of the reporting period as reported on the second line of Item 2.

**18-19. SIGNATURES** - The original and one copy of completed Form LM-4 which are filed with OLMS must be signed by both the president and treasurer or corresponding principal officers of your organization. Original signatures are required; stamped or mechanical signatures are not acceptable. If the duties of the principal executive or principal financial officer are performed by officers other than the president and treasurer, the report may be signed by the other officers. If the report is signed by an officer other than the president or treasurer, cross out the printed title, enter the correct title in Item 18 or 19, and explain in Item 17 why the president or treasurer did not sign the report. Enter the city and state where the report was signed, the date the report was signed, and the telephone number at which the signatories conduct official business; you do not have to report a private, unlisted telephone number.

**X. LABOR ORGANIZATIONS WHICH HAVE TERMINATED** - If your organization has gone out of existence as a reporting labor organization, the last president and treasurer or the officials responsible for winding up the affairs of your organization must file a terminal financial report for the period from the beginning of the fiscal year to the date of termination. A terminal financial report must be filed if your organization has disbanded, merged into another organization, or consolidated with other organizations to form a new organization. A terminal financial report is not required if your organization changed its affiliation but continues to function as a separate reporting labor organization.

The terminal financial report may be filed on Form LM-4 if your organization filed its previous annual report on Form LM-4 and your organization's total annual receipts, as defined in Section II of these instructions, were less than $10,000 for the part of the last fiscal year during which your organization existed. (If total annual receipts were $10,000 or more, your organization must use Form LM-2 or LM-3 to file its terminal financial report as explained in Section II of these instructions.) Your organization's terminal financial report must be submitted to the U.S. Department of Labor, Office of Labor-Management Standards, 200 Constitution Avenue, NW, Washington, DC 20210, within 30 days after the date of termination.

To complete a terminal report on Form LM-4 follow the instructions in Section IX and in

addition:

- Print the words "TERMINAL REPORT" at the top of Form LM-4.
- Enter the date your organization ceased to exist in Item 2 after the word "THROUGH."
- Print the words "TERMINAL REPORT" as the first entry in Item 17 and provide a detailed statement of the reason why your organization ceased to exist. Also provide the name and address of the person or organization that will retain the records of the terminated organization. If your organization merged with another labor organization, give that organization's name, address, and 6-digit file number.

Contact the nearest OLMS field office listed below if you have questions about filing a terminal report.

★ ★ ★

Assistance may be obtained from the field offices of the U.S. Department of Labor's Office of Labor-Management Standards located in the following cities:

Albany, NY
Atlanta, GA
Boston, MA
Buffalo, NY
Chicago, IL
Cincinnati, OH
Cleveland, OH
Dallas, TX
Denver, CO
Detroit, MI
Grand Rapids, MI
Hato Rey, PR
Honolulu, HI
Houston, TX
Iselin, NJ
Kansas City, MO
Los Angeles, CA
Miami, FL
Milwaukee, WI
Minneapolis, MN
Nashville, TN
New Haven, CT
New Orleans, LA
New York, NY
Philadelphia, PA
Pittsburgh, PA
St. Louis, MO
San Diego, CA
San Francisco, CA
Seattle, WA
Tampa, FL
Vestavia Hills, AL
Washington, DC

Consult local telephone directory listings under United States Government, Labor Department, Office of Labor-Management Standards, for the address and telephone number of the nearest field office.

[FR Doc. 92-26575 Filed 10-28-92; 4:09 pm]
BILLING CODE 4510-86-C

federal register

Friday
October 30, 1992

Part IX

# The President

Federal Register
Vol. 57, No. 211
Friday, October 30, 1992

# Presidential Documents

Title 3—

The President

## Executive Order 12819 of October 28, 1992

## Establishing a Presidential Youth Award for Community Service

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 12651 of title 42 of the United States Code, it is hereby ordered as follows:

**Section 1.** A youth award for community service is hereby established. The award shall recognize outstanding voluntary community service contributions made by individuals between the ages of 5 and 22.

**Sec. 2.** The Director of the White House Office of National Service shall establish the criteria for the award. The criteria shall be based upon participation in voluntary community service activity. The award may be bestowed upon any eligible individual who meets the established criteria.

**Sec. 3.** The selection process for the award shall be administered by the Commission on National and Community Service and the White House Office of National Service. Such other individuals and entities as the Director of the White House Office of National Service deems appropriate may participate in the selection process.

**Sec. 4.** The award shall be presented by the President, his designee or designees, or individuals designated by the Director of the White House Office of National Service.

**Sec. 5.** The name and design of the award shall be approved by the President upon the recommendation of the Director of the White House Office of National Service.

George Bush

THE WHITE HOUSE,
*October 28, 1992.*

[FR Doc. 92-26639
Filed 10-29-92; 11:16 am]
Billing code 3195-01-M

# Presidential Documents

**Proclamation 6499 of October 29, 1992**

## Refugee Day, 1992

**By the President of the United States of America**

**A Proclamation**

The United States has long welcomed to its shores refugees from oppression and persecution—generations of whom have built new lives for themselves in this country and, in so doing, contributed to its cultural and economic development. Early immigrants to America sought sanctuary from tyranny and persecution, and our first President, George Washington, exhorted that the United States should ever be "an asylum to the oppressed and needy of the earth." The origins of this great land as a place of refuge and our rich heritage as a nation of immigrants give Americans a special understanding of, and sympathy for, the plight of some 17 million refugees worldwide today.

In addition to opening its doors to tens of thousands of refugees each year, the United States is working to overcome the conditions that force large numbers of people to flee their homelands. Through a wide range of public and private organizations, we have been promoting education, disease prevention, and sustainable economic development in countries beset by illiteracy and poverty. Because millions of refugees have been driven from their homes by the scourge of political repression and war, we have placed a high priority on working to promote freedom and democracy, which are the only sure foundation for lasting peace and progress.

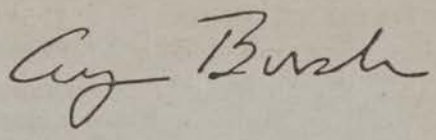
With the collapse of imperial communism and with the emergence of democratic nations around the globe, more of our fellow human beings are living in freedom than at any other time in history. This trend has had a positive impact on a number of serious, long-standing refugee situations throughout the world, such as those in Central America, Cambodia, and Afghanistan.

However, while these developments are encouraging, we know that in some regions of the world, the plight of refugees continues to demand our urgent attention. Nowhere are conditions more deplorable today than in the Horn of Africa and the former Yugoslavia.

The United States serves as an international leader in efforts to meet the challenges of current refugee crises. We will continue to fulfill our fundamental responsibilities to help refugees, and we will continue to urge our allies and all governments to remain firmly committed to protecting refugees and to contributing toward international relief efforts. The United States remains steadfast in its support of the efforts of the United Nations to develop effective worldwide programs to alleviate human suffering. Because the suffering of refugees is most often the result of systematic government repression and violent unrest in some regions of the world, we will also continue to champion respect for human rights, the peaceful resolution of conflicts, and the principles of national sovereignty and liberty under law.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 30, 1992, as Refugee Day. I urge all Americans to observe this day with appropriate programs and activities, including efforts to provide humanitarian assistance to refugees and to promote freedom and peace among all peoples.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of October, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and seventeenth.



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# Reader Aids

Federal Register

Vol. 57, No. 211

Friday, October 30, 1992

## INFORMATION AND ASSISTANCE

**Federal Register**

| | |
|---|---|
| Index, finding aids & general information | 202-523-5227 |
| Public inspection desk | 523-5215 |
| Corrections to published documents | 523-5237 |
| Document drafting information | 523-3187 |
| Machine readable documents | 523-3447 |

**Code of Federal Regulations**

| | |
|---|---|
| Index, finding aids & general information | 523-5227 |
| Printing schedules | 512-1557 |

**Laws**

| | |
|---|---|
| Public Laws Update Service (numbers, dates, etc.) | 523-6641 |
| Additional information | 523-5230 |

**Presidential Documents**

| | |
|---|---|
| Executive orders and proclamations | 523-5230 |
| Public Papers of the Presidents | 523-5230 |
| Weekly Compilation of Presidential Documents | 523-5230 |

**The United States Government Manual**

| | |
|---|---|
| General information | 523-5230 |

**Other Services**

| | |
|---|---|
| Data base and machine readable specifications | 523-3447 |
| Guide to Record Retention Requirements | 523-3187 |
| Legal staff | 523-4534 |
| Privacy Act Compilation | 523-3187 |
| Public Laws Update Service (PLUS) | 523-6641 |
| TDD for the hearing impaired | 523-5229 |

## FEDERAL REGISTER PAGES AND DATES, OCTOBER



## CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

**3 CFR**

**Proclamations:**

5437 (See Presidential Determination No. 93-3 of October 7, 1992).....47557
5928 (See DOJ final rule of Sept. 21, 1992).....47257
6482.....45961
6483.....45963
6484.....45965
6485.....46747
6486.....46749
6487.....47245
6488.....47247
6489.....47249
6490.....47251
6491.....47553
6492.....47559
6493.....47560
6494.....47755
6495.....47975
6496.....48301
6497.....48715
6498.....48717
6499.....49371

**Executive Orders:**

12479 (Revoked by EO 12816).....47562
12722 (See EO 12817).....48431
12724 (See EO 12817).....48431
12735 (See Dept. of Commerce interim rule of Oct. 15).....48312
(See State Dept. final rule of Sept. 16).....48315
12775 (Continued by Notice of September 30, 1992).....45557
12779 (Continued by Notice of September 30, 1992).....45557
12813 (Amended by EO 12815).....45709
12815.....45709
12816.....47562
12817.....48431
12818.....48713
12819.....49369

**Administrative Orders:**

Notices:

September 30, 1992.....45557
October 25, 1992.....48719

Presidential Determinations:

No. 92-26 of May 20, 1992.....48711
No. 92-48 of September 30, 1992.....46751
No. 92-49 of September 30, 1992.....46753
No. 93-1 of October 2, 1992.....47253
No. 93-2 of October 5, 1992.....47555
No. 93-3 of October 7, 1992.....47557

**5 CFR**

630.....45261
890.....48161
2635.....48557

**Proposed Rules:**

335.....47279
831.....46512
835.....45753
837.....46512
841.....46512
842.....46512
844.....46512
846.....46512

**7 CFR**

51.....48929
55.....47565
56.....47565
59.....47565
70.....47565
275.....47163
319.....47977
354.....46949
400.....46295
729.....46477
905.....47255, 48435
907.....48437
908.....48437
915.....48557, 48930
916.....45559
917.....45559, 48436
920.....45973, 46243
945.....48931
946.....48439
948.....45560
955.....45974
966.....48441
967.....48931
979.....48442
981.....48931
984.....48443
987.....45975, 48934
989.....48445, 48448
993.....48931
998.....48936

1030.....49131
1065.....45562, 45563
1097.....48449
1099.....48449
1106.....48938
1124.....47568
1126.....46079
1137.....45564
1139.....49132
1230.....49133
1421.....46477
1494.....45262
1951.....47257
1980.....45968

**Proposed Rules:**
56.....48569
59.....48569
319.....47573, 48851
735.....45993
736.....45993
737.....45993
738.....45993
739.....45993
740.....45993
741.....45993
742.....45993
907.....48340
910.....45581, 48023
944.....45754
958.....45993
1001.....48575
1004.....48575
1030.....45995
1098.....45996
1106.....45583
1108.....49025
1124.....48575
1260.....47576
1413.....48748

**8 CFR**

287.....47257

**Proposed Rules:**
242.....47011
287.....47011

**9 CFR**

**Proposed Rules:**
94.....47578

**10 CFR**

30.....45566
35.....45566, 48305
50.....47978

**Proposed Rules:**
20.....48474
21.....48474
30.....48474
31.....48474
32.....48474
34.....46345
35.....46522, 48474
40.....48474, 48479
50.....47802
52.....47802
61.....48474
100.....47802
170.....46818
171.....46818

**11 CFR**

102.....47258

**Proposed Rules:**
110.....46346
114.....46346

**12 CFR**

4.....48450
5.....46081
11.....46081
16.....46081
207.....48939
210.....46950
220.....48939
221.....48939
224.....48939
229.....46956
230.....46480
308.....48426
325.....48426
327.....45263
328.....45977
506.....45977, 48942
545.....48942
563.....45977, 46085
563g.....46085
611.....46480
614.....46755
615.....46480, 46755
619.....46755
627.....46480
700.....47983
1615.....48949

**Proposed Rules:**
1.....45756
5.....47280
16.....47280
220.....47580
330.....49026
545.....46098
563.....46098
567.....45757, 46098
571.....46098
607.....47288
612.....46819
617.....46819
618.....47288
710.....47999
935.....45338
940.....45338

**13 CFR**

102.....48306
122.....48309

**Proposed Rules:**
120.....46523

**14 CFR**

21.....46243, 47986
29.....47986
36.....46243
39...46755–46772, 47399, 49218 47406, 47569, 47570, 47757, 47762, 47987, 47991, 48957, 48959, 48961–48963, 48966, 48967
71.....45981–45983, 46089, 46975–46977, 47175, 47764, 47765, 47992
73.....46979, 46980, 47765
91.....46944
93.....47993
97.....46774, 46776
121.....48658
135.....48658

**Proposed Rules:**
21.....46821, 47295
25.....46821
29.....47295
33.....47934, 49034
35.....47297
39.....45584–45586, 46348, 47299–47302, 47414, 47580, 48002, 48003, 48474, 48478, 48754, 48755, 49036, 49038, 49150, 49151, 49153, 49154
71.....45660, 45997
135.....48666
207.....48193
208.....48193
212.....48193
221.....47303
294.....48193
298.....48193
380.....48193
389.....47303, 48193
1260.....47944

**15 CFR**

4.....48969
770.....48312
799.....48312
1150.....48451

**Proposed Rules:**
Ch. VII.....46838

**16 CFR**

1500.....46624

**Proposed Rules:**
4.....45676
435.....45998
1500.....46349
1505.....46349
1700.....47020

**17 CFR**

180.....46090
200.....48970
210.....45287, 47408
228.....48125
229.....47408, 48125
230.....47408, 48721, 48970
239.....48970
240.....45287, 47408, 48125, 48276, 48970
249.....45287, 47408, 48125, 48276, 48970
259.....45287
260.....47408
274.....45287

**Proposed Rules:**
1.....45999, 46101, 47896, 49146 48480
4.....47821
30.....46101
33.....46101
180.....46101
190.....46101
240.....48581, 49039

**18 CFR**

2.....46487
11.....48454
284.....46487, 46496

**Proposed Rules:**
346.....48005
381.....48005
401.....46354

**19 CFR**

10.....46502
19.....47409
111.....48978
113.....47409
122.....47163
144.....47409

**Proposed Rules:**
10.....45758, 46112, 47582
101.....47583
112.....49049
125.....49049
146.....49049
152.....48347
191.....46113

**20 CFR**

404.....45878
416.....46431, 48559

**Proposed Rules:**
404.....47415, 47584, 48851
416.....47415, 48851

**21 CFR**

5.....45294
178.....48723, 48978
310.....45310, 46067
510.....45984, 48162
520.....45984, 48162
558.....46504

**Proposed Rules:**
Ch. I.....48008
10.....47314
101.....47319
201.....47423
808.....47314
864.....46068
872.....46068
1401.....45353

**22 CFR**

121.....48315
514.....46676

**Proposed Rules:**
514.....46679, 47585

**24 CFR**

91.....46068
203.....46980, 47966
204.....46980
888.....45468

**Proposed Rules:**
10.....47166
880.....49120
881.....49120
882.....49120
883.....49120
884.....49120
886.....49120
888.....49120

**25 CFR**

101.....46470
103.....46470

**26 CFR**

1.....45568, 45660, 45711, 45878, 46243, 47373, 47994, 48163, 48426, 48562, 48722, 48851, 48980, 49117
5c.....47373
5f.....47373
5h.....47373
6.....47373
7.....47373
7a.....47373
10.....47373
13.....47373
14.....47373
18.....47373
19.....47373
31.....48163, 48724

40 ..... 48174
43 ..... 45713, 48174
44 ..... 48174
46 ..... 48174
48 ..... 48174
49 ..... 48174
51 ..... 48174
145 ..... 48174
148 ..... 48174
150 ..... 48174
301 ..... 47373
602 ..... 45711, 46243, 47373, 48174, 48980, 49117

**Proposed Rules:**
1 ..... 45587, 46355, 46525, 47373, 47427, 47428, 48193, 48194, 48487, 48584, 48757
5h ..... 48584
301 ..... 45759, 46355
602 ..... 48487

**27 CFR**

**Proposed Rules:**
4 ..... 48487
9 ..... 45588
17 ..... 45357
19 ..... 45357
70 ..... 45357
170 ..... 45357
194 ..... 45357
197 ..... 45357
250 ..... 45357, 47319
251 ..... 47319
252 ..... 47320

**29 CFR**

402 ..... 49282
403 ..... 49282, 49291
541 ..... 46742, 47163
578 ..... 49128
1602 ..... 45570
1910 ..... 49272
1915 ..... 49272
1926 ..... 49272
2550 ..... 46906
2602 ..... 45713
2610 ..... 47258
2615 ..... 48317
2622 ..... 47258
2644 ..... 47260
2676 ..... 47260

**Proposed Rules:**
34 ..... 47690, 48009
103 ..... 47023
1910 ..... 47746
1926 ..... 47746
2647 ..... 48348

**30 CFR**

914 ..... 45985, 48724
917 ..... 45295
918 ..... 48726
938 ..... 48733, 49135
950 ..... 48984

**Proposed Rules:**
18 ..... 48350
56 ..... 47524, 49218
57 ..... 47524, 49218
75 ..... 48350
256 ..... 47824
724 ..... 47431
772 ..... 47431
816 ..... 47431
817 ..... 47431
846 ..... 47431
913 ..... 48757
914 ..... 48759, 48761
916 ..... 49051
920 ..... 48762
931 ..... 48764
935 ..... 48765
948 ..... 49052

**31 CFR**

**Proposed Rules:**
10 ..... 46356
203 ..... 48584

**32 CFR**

67 ..... 48187
179 ..... 48187
317 ..... 48992
619 ..... 47572
706 ..... 46299

**Proposed Rules:**
287 ..... 48768
505 ..... 47825
623 ..... 46246

**33 CFR**

1 ..... 48319
100 ..... 45570, 45985, 46300, 47766
117 ..... 46301, 46302, 46505
147 ..... 48456
165 ..... 46506–46508, 47261, 47766, 47768, 48188
334 ..... 46303

**Proposed Rules:**
110 ..... 47431, 47432
117 ..... 46361, 47321, 48488
151 ..... 45591
155 ..... 48489
164 ..... 45662–45667
165 ..... 45596

**34 CFR**

300 ..... 48694
301 ..... 48694
600 ..... 47752
668 ..... 47752
769 ..... 49264

**36 CFR**

51 ..... 46509
1254 ..... 46304
1258 ..... 46304

**37 CFR**

202 ..... 45307

**38 CFR**

1 ..... 47262
21 ..... 46984

**Proposed Rules:**
3 ..... 48350
21 ..... 47023, 47024
36 ..... 47433

**39 CFR**

20 ..... 45570
111 ..... 45882, 47264, 49138

**40 CFR**

35 ..... 45311
52 ..... 45715, 46306, 46778, 46780, 48457, 48459
60 ..... 48563
61 ..... 48563, 49278
80 ..... 46316, 47769
81 ..... 48461
146 ..... 46292
180 ..... 47994, 48327, 48736, 48737
186 ..... 47994
261 ..... 47376, 49278
268 ..... 47772
271 ..... 45514, 45717–45722, 47376, 47996, 49140
272 ..... 45575, 47265
300 ..... 47180
302 ..... 47376
721 ..... 46458

**Proposed Rules:**
Ch. I ..... 45597, 48490, 49054
51 ..... 46114, 48492
52 ..... 45358, 45360, 47896, 48352, 48492
58 ..... 46003
60 ..... 45363
63 ..... 45363
180 ..... 48009, 48769
261 ..... 48195, 49280
264 ..... 48195
265 ..... 48195
270 ..... 48195
271 ..... 48195, 49159
300 ..... 45597, 45599, 46527, 47204, 47585
308 ..... 46527
372 ..... 48706

**41 CFR**

101–16 ..... 46317
101–26 ..... 47726
101–37 ..... 48328

**Proposed Rules:**
60–741 ..... 48084

**42 CFR**

57 ..... 45725
Ch. 101 ..... 46985
412 ..... 46509, 47779
413 ..... 46509
466 ..... 47779
435 ..... 46093
447 ..... 46431

**Proposed Rules:**
100 ..... 49055
Ch. IV ..... 47587
417 ..... 46119
531 ..... 46362
440 ..... 46362
442 ..... 46362
488 ..... 46362
489 ..... 46362
498 ..... 46362

**43 CFR**

**Public Land Orders:**
1567 (Revoked in part by PLO 6948) ..... 45325
5712 (Revoked by PLO 6946) ..... 45322
6944 ..... 45321
6946 ..... 45322
6948 ..... 45324
6949 ..... 45576
6950 ..... 45725
6951 ..... 47410

**Proposed Rules:**
426 ..... 47437

**44 CFR**

64 ..... 47266, 47268, 49142, 49143
65 ..... 47787, 47788
67 ..... 47790

**Proposed Rules:**
67 ..... 47825

**45 CFR**

205 ..... 46782, 46988
250 ..... 46988
302 ..... 46988
304 ..... 46988
307 ..... 46988
1224 ..... 45325
1305 ..... 46718

**46 CFR**

1 ..... 48320
35 ..... 48320
77 ..... 48320
96 ..... 48320
108 ..... 48320
160 ..... 48320
167 ..... 48320
169 ..... 48320
195 ..... 48320
514 ..... 46318, 49019
581 ..... 46318, 49019

**Proposed Rules:**
15 ..... 48544
28 ..... 48670
35 ..... 45667
197 ..... 46126
514 ..... 47589
525 ..... 47025
530 ..... 47025
540 ..... 47830
552 ..... 48770
572 ..... 47600
580 ..... 47589
581 ..... 47589, 47600
583 ..... 47589

**47 CFR**

0 ..... 48332
1 ..... 47006, 47410, 48333, 49218
2 ..... 49020
21 ..... 49020
22 ..... 49020
68 ..... 48333
73 ..... 45577–45579, 46325, 46812, 46813, 47006, 47007, 48332–49147, 49148
87 ..... 45748
90 ..... 45751, 47793, 48191, 48738
94 ..... 49020

**Proposed Rules:**
2 ..... 48353, 48775, 48776
13 ..... 47027
21 ..... 48353, 48776
22 ..... 48353, 48776
63 ..... 46366
73 ..... 45601, 46132, 46367–46369, 46839, 47027, 47028, 48494, 49055, 49058, 49160–49162
90 ..... 47601, 49058
94 ..... 48353, 48776

**48 CFR**

25 ..... 48470
30 ..... 45422, 47373
52 ..... 45878
202 ..... 45422
204 ..... 45422
208 ..... 45422
210 ..... 45422
214 ..... 45326

215.....45422
216.....45422
219.....45422, 47270
223.....45422
225.....45422
226.....45422
227.....45422
228.....45422
231.....45422
232.....45422
236.....45422
237.....45422
239.....45422
242.....45422
245.....45422
252.....45422, 47270
253.....45422
900.....48471
923.....48471
970.....48471

**Proposed Rules:**

1512.....46007
1516.....46007
1552.....46007
1837.....47602
1852.....47602
5415.....45759
5452.....45759
9903.....47438

**49 CFR**

71.....48336
107.....45446, 48739
171.....45442, 45446, 47412, 47513, 48739
172.....45446, 46624, 47513, 48739
173.....45446, 47513, 48739
174.....45446, 48739
175.....48739
176.....45446, 48739
177.....45446, 47513, 48739
178.....45446
179.....45446
180.....45446
214.....45446
571.....45327, 45422, 47007, 47793
572.....47009
665.....46814
1023.....45751, 49149

**Proposed Rules:**

217.....47603
218.....48494
220.....47603
391.....48011
531.....48777
552.....45759
571.....45760, 49162
572.....48779
604.....48924
1039.....45602, 49354
1145.....48354

**50 CFR**

17.....45328, 46325, 46340, 48741
217.....46815
222.....46815
227.....45986, 46815, 47276
285.....45579, 47412
603.....47800
611.....48564
642.....47998
651.....48473
661.....45751
662.....48191
663.....45987, 46097, 47413
672.....45580, 45988, 46344, 46510, 46816, 47010, 47277, 47572, 48568
675.....46511
685.....45989, 48564

**Proposed Rules:**

17.....45761, 45762, 46007, 46528, 46840, 47028, 47833, 48495
216.....47606
218.....47606
222.....47606
611.....47040
651.....46840
652.....48589
663.....49060
672.....46133, 47321
675.....45602, 46133, 46139, 48426
685.....47040

## LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202-523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-2470).

**H.R. 776/P.L. 102-486**
Energy Policy Act of 1992. (Oct. 24, 1992; 106 Stat. 2776; 358 pages) Price: $11.00

**H.R. 2263/P.L. 102-487**
To amend chapter 45 of title 5, United States Code, to authorize awards for cost savings disclosures. (Oct. 24, 1992; 106 Stat. 3134; 1 page) Price: $1.00

**H.R. 2896/P.L. 102-488**
Minute Man National Historical Park Amendments of 1991. (Oct. 24, 1992; 106 Stat. 3135; 3 pages) Price: $1.00

**H.R. 3638/P.L. 102-489**
Koniag Lands Conveyance Amendments of 1991. (Oct. 24, 1992; 106 Stat. 3138; 4 pages) Price: $1.00

**H.R. 3673/P.L. 102-490**
Membrane Processes Research Act of 1992. (Oct. 24, 1992; 106 Stat. 3142; 2 pages) Price: $1.00

**H.R. 4398/P.L. 102-491**
Federal Reserve Bank Branch Modernization Act. (Oct. 24, 1992; 106 Stat. 3144; 1 page) Price: $1.00

**H.R. 4412/P.L. 102-492**
To amend title 17, United States Code, relating to fair use of copyrighted works. (Oct. 24, 1992; 106 Stat. 3145; 1 page) Price: $1.00

**H.R. 4773/P.L. 102-493**
Fertility Clinic Success Rate and Certification Act of 1992. (Oct. 24, 1992; 106 Stat. 3146; 7 pages) Price: $1.00

**H.R. 4841/P.L. 102-494**
Granting the consent of the Congress to the New Hampshire-Maine Interstate School Compact. (Oct. 24, 1992; 106 Stat. 3153; 20 pages) Price: $1.00

**H.R. 4844/P.L. 102-495**
Elwha River Ecosystem and Fisheries Restoration Act. (Oct. 24, 1992; 106 Stat. 3173; 7 pages) Price: $1.00

**H.R. 5095/P.L. 102-496**
Intelligence Authorization Act for Fiscal Year 1993. (Oct. 24, 1992; 106 Stat. 3180; 75 pages) Price: $2.25

**H.R. 5686/P.L. 102-497**
To make technical amendments to certain Federal Indian statutes. (Oct. 24, 1992; 106 Stat. 3255; 8 pages) Price: $1.00

**H.R. 6014/P.L. 102-498**
To designate certain land in the State of Missouri owned by the United States and administered by the Secretary of Agriculture as part of the Mark Twain National Forest. (Oct. 24, 1992; 106 Stat. 3263; 1 page) Price: $1.00

**H.R. 6047/P.L. 102-499**
To amend the United States Information and Educational Exchange Act of 1948, the Foreign Service Act of 1980, and other provisions of law to make certain changes in administrative authorities. (Oct. 24, 1992; 106 Stat. 3264; 3 pages) Price: $1.00

**H.R. 6164/P.L. 102-500**
To amend the John F. Kennedy Center Act to authorize appropriations for maintenance, repair, alteration, and other services necessary for the John F. Kennedy Center for the Performing Arts. (Oct. 24, 1992; 106 Stat. 3267; 1 page) Price: $1.00

**H.R. 6183/P.L. 102-501**
Federally Supported Health Centers Assistance Act of 1992. (Oct. 24, 1992; 106 Stat. 3268; 5 pages) Price: $1.00

**H.J. Res. 271/P.L. 102-502**
Authorizing the Go For Broke National Veterans Association Foundation to establish a memorial in the District of Columbia or its environs to honor Japanese American patriotism in World War II. (Oct. 24, 1992; 106 Stat. 3273; 2 pages) Price: $1.00

**H.J. Res. 409/P.L. 102-503**
Designating January 16, 1993, as "National Good Teen Day". (Oct. 24, 1992; 106 Stat. 3275; 1 page) Price: $1.00

**H.J. Res. 429/P.L. 102-504**
Designating May 2, 1993, through May 8, 1993, as "Be Kind to Animals and National Pet Week". (Oct. 24, 1992; 106 Stat. 3276; 2 pages) Price: $1.00

**H.J. Res. 458/P.L. 102-505**
Designating the week beginning October 25, 1992, as "World Population Awareness Week". (Oct. 24, 1992; 106 Stat. 3278; 2 pages) Price: $1.00

**S. 1145/P.L. 102-506**
Office of Government Ethics Amendments of 1992. (Oct. 24, 1992; 106 Stat. 3280; 1 page) Price: $1.00

**S. 1577/P.L. 102-507**
Alzheimer's Disease Research, Training, and Education Amendments of 1992. (Oct. 24, 1992; 106 Stat. 3281; 8 pages) Price: $1.00

**S. 1583/P.L. 102-508**
Pipeline Safety Act of 1992. (Oct. 24, 1992; 106 Stat. 3289; 27 pages) Price: $1.00

**S. 2201/P.L. 102-509**
Soviet Scientists Immigration Act of 1992. (Oct. 24, 1992; 106 Stat. 3316; 2 pages) Price: $1.00

**S. 2322/P.L. 102-510**
Veterans' Compensation Cost-of-Living Adjustment Act of 1992. (Oct. 24, 1992; 106 Stat. 3318; 2 pages) Price: $1.00

**S. 2532/P.L. 102-511**
Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (FREEDOM Support Act). (Oct. 24, 1992; 106 Stat. 3320; 43 pages) Price: $1.50

**S. 2875/P.L. 102-512**
Children's Nutrition Assistance Act of 1992. (Oct. 24, 1992; 106 Stat. 3363; 7 pages) Price: $1.00

**S. 3224/P.L. 102-513**
To designate the United States Courthouse to be constructed in Fargo, North

Dakota, as the "Quentin N. Burdick United States Courthouse". (Oct. 24, 1992; 106 Stat. 3370; 1 page) Price: $1.00

**S. 3279/P.L. 102-514**

To extend the authorization of use of official mail in the location and recovery of missing children, and for other purposes. (Oct. 24, 1992; 106 Stat. 3371; 1 page) Price: $1.00

**S. 3312/P.L. 102-515**

Cancer Registries Amendment Act. (Oct. 24, 1992; 106 Stat. 3372; 6 pages) Price: $1.00

**S.J. Res. 304/P.L. 102-516**

Designating January 3, 1993, through January 9, 1993, as "National Law Enforcement Training Week". (Oct. 24, 1992; 106 Stat. 3378; 2 pages) Price: $1.00

**S.J. Res. 309/P.L. 102-517**

Designating the week beginning November 8, 1992, as "National Women Veterans Recognition Week". (Oct. 24, 1992; 106 Stat. 3380; 2 pages) Price: $1.00

**S.J. Res. 318/P.L. 102-518**

Designating November 13, 1992, as "Vietnam Veterans Memorial 10th Anniversary Day". (Oct. 24, 1992; 106 Stat. 3382; 2 pages) Price: $1.00

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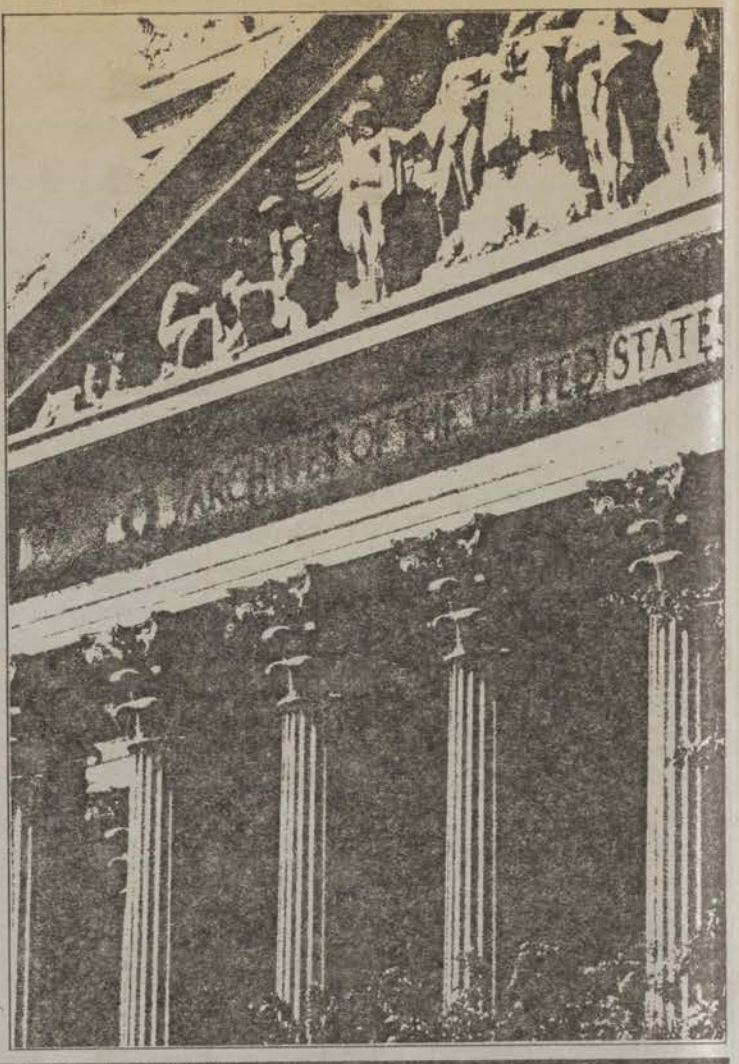

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